

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

BOARD OF DIRECTORS REGULAR MEETING AGENDA  
MAY 11, 2007 (Second Friday of Each Month)  
\*SCMTD ENCINAL CONFERENCE ROOM\*  
\*370 ENCINAL STREET, SUITE 100\*  
SANTA CRUZ, CALIFORNIA  
9:00 a.m. – 11:00 a.m.

THE BOARD AGENDA PACKET CAN BE FOUND ONLINE AT [WWW.SCMTD.COM](http://WWW.SCMTD.COM)

**NOTE: THE BOARD CHAIR MAY TAKE ITEMS OUT OF ORDER**

**SECTION I: OPEN SESSION - 9:00 a.m.**

1. ROLL CALL
2. ORAL AND WRITTEN COMMUNICATION TO THE BOARD OF DIRECTORS
  - a. No Written Communication
3. LABOR ORGANIZATION COMMUNICATIONS
4. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS

**CONSENT AGENDA**

- 5-1. APPROVE REGULAR BOARD MEETING MINUTES OF APRIL 13 & 27, 2006
- 5-2. ACCEPT AND FILE PRELIMINARILY APPROVED CLAIMS FOR THE MONTH OF APRIL 2007
- 5-3. CONSIDERATION OF TORT CLAIMS:  
DENY THE CLAIM OF JARED DOWNWARD, CLAIM #07-0014
- 5-4. ACCEPT AND FILE THE METRO ADVISORY COMMITTEE (MAC) AGENDA FOR MAY 16, 2007 AND MINUTES OF APRIL 18, 2007
- 5-5. ACCEPT AND FILE HIGHWAY 17 STATUS REPORT FOR JANUARY 2007
- 5-6. ACCEPT AND FILE PARACRUZ OPERATIONS STATUS REPORT FOR THE MONTH OF FEBRUARY 2007
- 5-7. ACCEPT AND FILE UNIVERSITY OF CALIFORNIA, SANTA CRUZ SERVICE UPDATE FOR MONTH OF MARCH 2007

- 5-8. ACCEPT AND FILE METROBASE STATUS REPORT
- 5-9. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT RENEWAL WITH NATIONWIDE AUCTION SERVICES FOR AUCTIONEER SERVICES
- 5-10. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT RENEWAL WITH FOLGER GRAPHICS FOR GRAPHIC DESIGN SERVICES FOR *HEADWAYS*
- 5-11. CONSIDERATION OF ON TIME PERFORMANCE STANDARDS FOR METRO PARACRUZ AND PEER ADA PARATRANSIT SERVICES
- 5-12. CONSIDERATION OF AMENDING THE MAC BYLAWS TO MODIFY SECTION 3.3 TO REQUIRE THAT MAC MEMBERS NOTIFY METRO BY NOON (12:00) OF THE DAY OF THE MEETING IF THEY KNOW AT THAT TIME THAT THEY ARE GOING TO BE ABSENT

### REGULAR AGENDA

- 6. PRESENTATION OF EMPLOYEE LONGEVITY AWARDS: None
- 7. CONSIDERATION OF APPROVAL OF A **RESOLUTION** MODIFYING SANTA CRUZ METRO'S BYLAWS INCLUDING REFORMATTING THE REGULAR BOARD MEETINGS, AND ADDING LANGUAGE TO REQUIRE DIRECTORS TO FOLLOW CALIFORNIA LAW RE CONFLICTS OF INTEREST AND OTHER MINOR CHANGES  
Presented By: Margaret Gallagher, District Counsel
- 8. PUBLIC HEARING: CONSIDERATION OF MODIFICATIONS TO METRO'S PARACRUZ ELIGIBILITY AND APPEALS PROCESS REGULATION TO CONFORM THE REGULATION WITH THE ACTUAL PRACTICES, SUBSTITUTE MAC, INSTEAD OF MASTF, AS AN APPOINTING AUTHORITY TO THE APPEALS PANEL AND OTHER CHANGES  
Presented By: Margaret Gallagher, District Counsel  
**PUBLIC HEARING WILL TAKE PLACE AT THE MAY 25, 2007 BOARD MEETING**
- 9. CONSIDERATION OF REQUEST FOR SHUTTLE SERVICE RECEIVED FROM THE CITY OF WATSONVILLE FOR THE SANTA CRUZ COUNTY FAIR  
Presented By: Leslie R. White, General Manager
- 10. CONSIDERATION OF AN AMENDMENT TO THE CONTRACT WITH RNL DESIGN, INC. IN THE AMOUNT OF \$52,888.00 FOR THE SERVICES OF COTTON, SHIRES & ASSOCIATES TO PROVIDE GEOTECHNICAL CONSTRUCTION OBSERVATION AND TESTING FOR THE MAINTENANCE BUILDING CONSTRUCTION OF THE METROBASE PROJECT  
Presented By: Frank Cheng, Project Manager

11. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE AN ASSIGNMENT OF THE LEASE AGREEMENT WITH KIN WAI CHEUNG AND YUK LING YEUNG, D/B/A CHINA EXPRESS FAST FOOD RESTAURANT TO HUI CHANG DU AND BAOPING CHEN, DBA NEW CHINA EXPRESS FOR THE RESTAURANT SPACE AT PACIFIC STATION EFFECTIVE MAY 11, 2007, AND A LEASE AMENDMENT WITH THE NEW OWNERS TO FACILITATE THE TRANSFER

Presented By: Margaret Gallagher, District Counsel

**ACTION REQUESTED AT THE APRIL 13, 2007 BOARD MEETING**

12. ORAL ANNOUNCEMENT: NOTIFICATION OF MEETING LOCATION FOR MAY 25, 2007 – CAPITOLA CITY COUNCIL CHAMBERS, 420 CAPITOLA AVE, CAPITOLA

Presented By: Chair Tavantzis

13. REVIEW OF ITEMS TO BE DISCUSSED IN CLOSED SESSION: District Counsel

14. ORAL AND WRITTEN COMMUNICATIONS REGARDING CLOSED SESSION

## **SECTION II: CLOSED SESSION**

1. CONFERENCE WITH LABOR NEGOTIATORS  
(Pursuant to Government Code Section 54957.6)

a. Agency Negotiators            Leslie R. White, General Manager  
   Margaret Gallagher, District Counsel  
   Robyn Slater, Human Resources Manager

1. Employee Organization        United Transportation Union (UTU), Local  
   23, Fixed Route

2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Pursuant to Government Code Section 54957

Title: General Manager

## **SECTION III: RECONVENE TO OPEN SESSION**

15. REPORT OF CLOSED SESSION

## **ADJOURN**

### **NOTICE TO PUBLIC**

Members of the public may address the Board of Directors on a topic not on the agenda but within the jurisdiction of the Board of Directors or on the consent agenda by approaching the Board during consideration of Agenda Item #2 "Oral and Written Communications", under Section I. Presentations will be limited in time in accordance with District Resolution 69-2-1.

When addressing the Board, the individual may, but is not required to, provide his/her name and address in an audible tone for the record.

Members of the public may address the Board of Directors on a topic on the agenda by approaching the Board immediately after presentation of the staff report but before the Board of Directors' deliberation on the topic to be addressed. Presentations will be limited in time in accordance with District Resolution 69-2-1.

The Santa Cruz Metropolitan Transit District does not discriminate on the basis of disability. The Encinal Conference Room is located in an accessible facility. Any person who requires an accommodation or an auxiliary aid or service to participate in the meeting, please contact Cindi Thomas at 831-426-6080 as soon as possible in advance of the Board of Directors meeting. Hearing impaired individuals should call 711 for assistance in contacting METRO regarding special requirements to participate in the Board meeting.

**SANTA CRUZ METROPOLITAN TRANSIT DISTRICT**

**Minutes- Board of Directors**

**April 13, 2007**

A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, April 13, 2007 at the District's Administrative Office, 370 Encinal Street, Santa Cruz, CA.

Vice-Chair Beautz called the meeting to order at 9:05 a.m.

**SECTION 1: OPEN SESSION**

**1. ROLL CALL:**

**DIRECTORS PRESENT**

Jan Beautz  
Donald Hagen  
Michelle Hinkle  
Kirby Nicol  
Dale Skillicorn  
Pat Spence  
Marcela Tavantzis  
Ex-Officio Donna Blitzzer

**DIRECTORS ABSENT**

Dene Bustichi  
Emily Reilly  
Mike Rotkin  
Mark Stone

**STAFF PRESENT**

Ciro Aguirre, Operations Manager  
Angel Aitken, Finance Manager  
Frank Cheng, MetroBase Project Manager  
Mark Dorfman, Assistant General Manager

Mary Ferrick, Base Superintendent  
Steve Paulson, Paratransit Administrator  
Tom Stickel, Maintenance Manager

**EMPLOYEES AND MEMBERS OF THE PUBLIC WHO VOLUNTARILY INDICATED THEY WERE PRESENT**

Jim Burr, City of SC Transportation Manager  
Sandra Lipperd, UTU  
Paul Marcelin-Sampson, MAC

Ian McFadden, Transit Planner  
Bob Yount, MAC

**2. ORAL AND WRITTEN COMMUNICATION**

**Written:**

- |    |                                    |     |                          |
|----|------------------------------------|-----|--------------------------|
| a. | Jeffrey D. Bukowski, Stevens & Lee | Re: | RTCC Minutes Corrections |
| b. | City of Capitola RDA               | Re: | Public Hearing Notice    |

Regarding Item #2-a, Mark Dorfman explained that this letter is included in the Board Packet only because it was addressed to the Board Chair, rather than the General Manager.

**5-1.1**

Oral:

Paul Marcelin-Sampson reported on the recent TFTF meetings and requested the commitment of the Board to send a letter to the TFTF in support of a funding allocation of \$90 million for fixed route service and \$69 million specifically for ADA Paratransit service. Mr. Marcelin-Sampson distributed a ParaCruz Projections chart, which is attached to the file copy of these minutes.

**3. LABOR ORGANIZATION COMMUNICATIONS**

Sandra Lipperd, UTU, reported that due to a recent incident, the union is requesting that the Board notify their local emergency response agencies to explain that assistance is needed when emergency messages are communicated on bus headsigns.

**4. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS**

A Revised Staff Report for Item #10 and a written communication and Revised Attachment "C" for Item #11 were distributed at today's meeting.

**CONSENT AGENDA**

**5-1. ACCEPT AND FILE PRELIMINARILY APPROVED CLAIMS FOR THE MONTH OF MARCH 2007**

Mark Dorfman responded to Director Nicol's inquiry regarding the following checks: #21419 was for hotel accommodations for an employee to attend a Trapeze software user conference; check #21420 was for the 10% retainage of the MetroBase construction payment for West Bay Builders.

**5-2. CONSIDERATION OF TORT CLAIMS:  
DENY THE CLAIM OF BEN S. JONAS, CLAIM #07-0011**

Director Nicol asked if the bus had in fact not arrived, as claimed. Ciro Aguirre and Mary Ferrick explained that the bus was an hour late after an unexpected re-routing due to road closures in San Jose, which was not communicated to METRO in advance. The claimant was notified and aware of the re-route, but had not expected to wait so long.

**5-3. ACCEPT AND FILE METROBASE STATUS REPORT**

No questions or comments.

**5-4. ACCEPT AND FILE THE METRO ADVISORY COMMITTEE (MAC) AGENDA FOR APRIL 18, 2007 (No Minutes: no February or March meetings due to lack of quorum)**

Director Hagen reported that MAC has had trouble reaching a quorum since he was a member prior to being appointed to the Board in January 2007.

There was a discussion about vacancies and Bob Yount commented that he is very unhappy with the members not keeping their commitment to MAC and that this issue is on the current MAC Agenda as a high priority.

5-1.2

Paul Marcelin-Sampson offered to take Director Reilly's appointee vacancy to represent Santa Cruz, and then Director Nicol could appoint a Capitola representative.

**5-5. ACCEPT AND FILE PARACRUZ OPERATIONS STATUS REPORT FOR THE MONTH OF JANUARY 2007**

No questions or comments.

**5-6. ACCEPT AND FILE UNIVERSITY OF CALIFORNIA, SANTA CRUZ SERVICE UPDATE FOR MONTH OF FEBRUARY 2007**

Director Nicol asked about the decrease in ridership. Mark Dorfman replied that staff is not sure of the reason for the slight decrease, but that revenue had gone up due to the built in cost of living increase.

**5-7. ACCEPT AND FILE MINUTES REFLECTING VOTING RESULTS FROM APPOINTEES TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR THE JANUARY, FEBRUARY & MARCH 2007 MEETING(S)**

Director Spence noted that the minutes appear to be in draft form.

**5-8. ACCEPT AND FILE NOTIFICATION OF ACTION TAKEN IN CLOSED SESSION REGARDING CLAIM OF CARLOS CARRERA**

No questions or comments.

**5-9. CONSIDERATION OF RECOMMENDATION TO APPROVE ASSESSMENTS FOR COOPERATIVE RETAIL MANAGEMENT DISTRICT**

Mark Dorfman reported that this is an annual assessment from the City of Santa Cruz for the two properties METRO owns on Pacific Avenue and it funds the Downtown Host Program.

**REGULAR AGENDA**

**7. CONSIDERATION OF APPROVAL OF A RESOLUTION MODIFYING SANTA CRUZ METRO'S BYLAWS INCLUDING REFORMATTING THE REGULAR BOARD MEETINGS, AND ADDING LANGUAGE TO REQUIRE DIRECTORS TO FOLLOW CALIFORNIA LAW RE CONFLICTS OF INTEREST AND OTHER MINOR CHANGES**

**Discussion:**

Director Hagen stated that as a former member of each group, he feels that MAC is a 190% improvement over MASTF.

5-1.3

Chair Tavantzis stated that she was fine with all of it, but everyone needs to reach a point of being really comfortable with the Agenda format. Chair Tavantzis stated that the format of today's Agenda was a perfect example because the action items for today are listed last, so when you delete them, you don't have to renumber the other items.

Chair Tavantzis stated that one thing that may cause confusion in the sample Agenda is that the preliminary Consent Agenda for the following meeting is numbered exactly the same as the action Consent Agenda for the current date: #5-1, 5-2, etc. Chair Tavantzis asked the Board to what extent the Consent Agenda for the next meeting needed to be reviewed? By definition, the Consent Agenda for the 2<sup>nd</sup> meeting may not need a workshop review, which would solve the whole numbering issue. Chair Tavantzis is willing to try any proposal that staff feels comfortable with, and since the Bylaws don't address the format of the Agenda, the Board can approve the whole concept of having two meetings, but remain flexible trying the new Agenda format for a few months expecting to revisit the issue in six months. Chair Tavantzis stated that using the same numbers works for the Regular Agenda, but not the Consent Agenda.

Vice Chair Beautz questioned why the Consent Agenda was numbered the way it is rather than whole numbers.

Chair Tavantzis stated she agrees with the Resolution part, and that the Board is heading towards two separate meetings

Director Spence asked about how items for the second meeting would be inserted in the binders without getting them mixed up with the items acted upon at the first meeting since they are numbered the same. Vice Chair Beautz and Mark Dorfman explained that after the first meeting, the Board would leave their binders with staff, who would prepare and deliver them prior to the next meeting. Director Spence suggested two sets of dividers in the binders, one for each meeting, because sometimes she likes to keep information to review items after they are acted upon at the first meeting. Mark Dorfman explained that ultimately, there would be two stand-alone separate meetings. Director Spence also asked about how someone would comment on a first meeting item at the second meeting and Vice Chair Beautz clarified that they wouldn't be able to – the item would be gone.

Ian McFadden, SEA, urged the Board to give the Agenda format careful consideration prior to making any changes because it would be problematic to have a format keep changing that the public is trying to follow as well.

Director Spence requested that all contract renewal Staff Reports should include the dollar amount.

Chair Tavantzis asked the Board how important it is to review the Consent Agenda for the second meeting at the first meeting. Vice Chair Beautz replied that it depends on the items and sometimes the Board wants more information, which is why it went to the current meeting format of the first meeting being a workshop.

Chair Tavantzis suggested not having Consent Agenda action at the first meeting, rather the entire Consent Agenda could be just reviewed at the first meeting for action at the second. Any

5-1.4

items needing action at the first meeting would be at the end of the Regular Agenda so the numbers go away and new ones can be added. If something that is normally on Consent needs action at the first meeting, it would now go at the end of the Regular Agenda. Vice Chair Beautz agreed.

Mark Dorfman pointed out that there would be some items listed on the Consent Agenda without back-up, and if that was acceptable, the Board could do that. Chair Tavantzis stated that those items would have the statement that they would be included in the next packet, just like before, which would allow the Board to review the Consent Agenda without approving anything, not mess up the numbering and it would make the Agenda cleaner for the public. Director Beautz stated that this is a little different than what the Board first started commenting on and Mark Dorfman agreed that this would ultimately lead to two separate meetings.

Chair Tavantzis clarified her idea of a new format: looking at the mock-up Agenda – the Consent Agenda would be continued including the second meeting items with no action, the Regular Agenda would start with the recognition of employees and at the end of this meeting would be the action items for the first meeting which would drop off and new items could be added without affecting the numbering system, and that would not be confusing. Regular items for which there is no staff report would not be listed; they can be added at the end for the second meeting.

Chair Tavantzis and Vice Chair Beautz agreed that items that had to be approved at the first meeting would be put at the end of the Regular Agenda. Chair Tavantzis clarified that items will no longer be moved from Regular to Consent and the second Agenda will not say “item deleted, action taken at the last meeting” because they will always be the last numbers, and that Consent Agenda items not ready can be listed on the first Agenda, but that is not necessary for the Regular Agenda. Mark Dorfman clarified that what may be confusing people is that all of the Consent items listed on the preliminary Consent Agenda for the second meeting on Attachment 7a, are all items that staff reports were not ready. Mr. Dorfman clarified that the Board is requesting that all items without staff reports should still be added to the Consent Agenda with the statement that the staff report is not there, and the rest stays as shown here. Chair Tavantzis agreed, saying it is back-pedaling, and Vice Chair Beautz added that the Board needs to get their packets in a timely manner and not two days before the meeting. Mark Dorfman said that staff could change the packet schedule.

8. **CONSIDERATION OF MODIFICATIONS TO METRO’S PARACRUZ ELIGIBILITY AND APPEALS PROCESS REGULATION TO CONFORM THE REGULATION WITH THE ACTUAL PRACTICES, SUBSTITUTE MAC, INSTEAD OF MASTF, AS AN APPOINTING AUTHORITY TO THE APPEALS PANEL AND OTHER CHANGES**

**Discussion:**

Chair Tavantzis reported that she had received a voicemail from Clay Kempf indicating that E&D TAC had not had any opportunity to provide input on the proposed changes to the appeal process. Vice Chair Beautz explained that there had been a huge discussion about who would be in charge of this and unless somebody has a stake in the financing, they should not be making decisions.

5-1.5

Mark Dorfman explained these changes are mostly clarifications, for example, MASTF is no longer an appointing authority, "METRO" has been corrected throughout the document, there is some clarification about the duties of the people involved, and the biggest change being the clarification that although an applicant who has been denied eligibility may have a representative, they must attend the appeal hearing themselves.

Director Spence asked to what extent the wording in the ParaCruz Guide, which is the Paratransit Plan, should coordinate with the wording of the Regulation. Director Spence pointed out several inconsistencies and questioned if METRO wanted to change the ParaCruz Guide already. Mark Dorfman and Vice Chair Beautz stated that the Guide would need to be updated to reflect accurate information. Director Spence stated that she would be willing to address her concerns with Ciro Aguirre and Steve Paulson so they can pass them on to Margaret Gallagher. Vice Chair Jan Beautz and Mark Dorfman said that Ms. Gallagher could call Director Spence to discuss her concerns. Director Spence stated that she doesn't need to call because this is too much for Director Spence to write down. Mr. Dorfman and Vice Chair Beautz suggested that Director Spence leave her marked-up notes for Ms. Gallagher. Director Spence questioned whether Ms. Gallagher could read it and if Director Spence gave up her copy, what would she read? Mark Dorfman offered to make another copy.

Director Nicol agreed that inconsistencies should be corrected.

Bob Yount stated that when E&D TAC had a chance to comment on the Paratransit Users Guide, not one member had even read it; they had no comments and didn't care. Mr. Yount stated that personally, he does not care what E&D TAC has to say, and particularly Clay Kempf.

Paul Marcelin-Sampson agreed with Mr. Yount and reported that Karena Pushnik of the SCCRTC and the materials that she distributes for E&D TAC have started calling E&D TAC the ADA Paratransit Advisory Committee, among other things, although METRO has recently modified its Bylaws to include removing MASTF and identify MAC as the one official advisory group for all METRO's programs, including fixed route and Paratransit and MAC is scheduled to review this issue next week. Mr. Marcelin-Sampson urged the Board to consider prior to approving at the next meeting whether Sections 3.12 & 3.13 on page #8a.4 remove METRO's right to recertify individuals.

Chair Tavantzis requested that Mark Dorfman pass this on to Margaret Gallagher to be addressed.

Director Spence commented that doesn't really spell out here that if somehow ParaCruz finds out that someone is no longer eligible when they are sent the letter after three years, this is talking about having them recertify at that point.

Mark Dorfman explained that this is when a person who has been on for three years comes up for renewal and nothing has changed; they are defacto assumed to be eligible. In order to avoid discrimination, that was what the Board directed staff to do when the program was originally developed, thereby avoiding situations such as an elderly person in a wheelchair having to come in again for recertification when they can simply get a letter to submit back to METRO stating their condition has not changed.

5-1.6

Director Spence stated that she thought this addressed when a person sends the letter back in stating their condition had not changed, when in fact it has and they are more independent than before. Mark Dorfman stated that verifiable information would be for example: if the driver reports that they were in a wheelchair previously and now no longer are.

Mr. Marcelin-Sampson suggested that the Board may wish to consider random sampling for recertification. Director Hagen suggested that METRO review the conditional eligibility of individuals.

Sandra Lipperd, UTU, expressed concern that a Paratransit Operator's job is to transport and not to assess a passenger's eligibility. Mark Dorfman explained that the example he gave was specifically regarding a very evident situation in which an operator would be expecting a passenger in a wheelchair and they are not in wheelchair, METRO needs to know because that affects the capacity of the vehicle, which may not be able to carry them now.

Director Nicol stated that he feels it is critical for METRO to tap into its best knowledge source, and no one knows more about the operation of the system than the operators themselves. Director Nicol said that if something is wrong out there that doesn't look quite right, there needs to be a system whereby that information gets into the process to look into the issues. Sandra Lipperd replied that METRO currently has that process in place, which is not the issue as far as eligibility is concerned.

**9. CONSIDERATION OF DIRECTING STAFF TO IDENTIFY TRANSIT SYSTEMS INTERESTED IN ACQUIRING METRO'S RUBBER TIRED TROLLEY**

Director Nicol stated that the City of Capitola is considering expanding its shuttle service and is in need of a trolley. Director Nicol proposed that Capitola could subsidize the service and stated that Capitola needs a better way to link its three commercial areas: 41<sup>st</sup> Avenue, the Village and the Bay Avenue corridor. Mark Dorfman offered to meet with Director Nicol on the financial feasibility of this proposal.

**10. CONSIDERATION OF INCREASING LIABILITY INSURANCE TO \$30 MILLION**

Mark Dorfman gave a PowerPoint presentation on the California Transit Insurance Pool (CalTIP), which is a self-insurance program for approximately 35 public transit operators in California.

The program currently allows member agencies to purchase liability insurance up to \$20 million of coverage and have various deductible levels. METRO has a \$200,000 deductible, which allows it to essentially remain self-insured up to \$200,000.

Staff is not recommending that the Board increase the liability insurance level at this time as the incremental cost (\$43,622) appears to be high.

**ACTION: MOTION: DIRECTOR SPENCE SECOND: DIRECTOR SKILLICORN**

**Do not increase liability insurance level to \$30 million**

5-1.7

**Motion passed unanimously with Directors Bustichi, Reilly, Rotkin and Stone being absent.**

**11. CONSIDERATION OF DIRECTING THE GENERAL MANAGER TO WITHDRAW THE REQUEST TO THE CITY OF SANTA CRUZ FOR THE REMOVAL OF PARKING ON THE SOUTHBOUND LANES OF OCEAN STREET ON THE WEEKENDS FROM MEMORIAL DAY TO LABOR DAY**

**ACTION: MOTION: DIRECTOR SKILLICORN SECOND: DIRECTOR BEAUTZ**

**Direct the General Manager to withdraw the request to the City of Santa Cruz for the removal of parking on the Southbound lane of Ocean Street from Memorial Day to Labor Day**

**Discussion:**

Paul Marcelin-Sampson praised METRO staff on the report and expressed disappointment that the City of Santa Cruz had not supported this form of BRT and he encouraged Board members to become involved at the jurisdictional level in the future.

Jim Burr, City of Santa Cruz Transportation Manager, reported that the City Public Works had been prepared to move forward with this proposal prior to it being withdrawn.

Chair Tavantzis also praised staff on the quality of the report and stated that this type of proposal should be initiated by the appropriate jurisdiction going forward.

**Motion passed unanimously with Directors Bustichi, Reilly, Rotkin and Stone being absent.**

**12. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE OPTION TO PURCHASE FIVE 40 FOOT COMPRESSED NATURAL GAS BUSES FROM THE CITY OF CULVER CITY WITH NEW FLYER OF AMERICA**

Mark Dorfman reported that METRO recently received and put into service two buses from this contract. METRO also exercised the option for eight additional buses for in-county service and these five would be for Highway 17 service. These funds must be obligated by April 30, 2007 or they will lapse.

**ACTION: MOTION: DIRECTOR HINKLE SECOND: DIRECTOR NICOL**

**Authorize the General Manager to execute the option from the City of Culver City for the purchase of five (5) Compressed Natural Gas 40-foot low-floor transit buses and be authorized to take all necessary steps to negotiate and sign a contract with New Flyer of America and the City of Culver City to purchase these five (5) buses**

**Motion passed unanimously with Directors Bustichi, Reilly, Rotkin and Stone being absent.**

**5-1.8**

**13. REVIEW OF ITEMS TO BE DISCUSSED IN CLOSED SESSION: District Counsel**

Mark Dorfman reported that the Board would have a conference with its Real Property Negotiators regarding the price and terms of properties located at 425 Front Street and 1217 River Street, Santa Cruz.

**14. ORAL AND WRITTEN COMMUNICATIONS REGARDING CLOSED SESSION**

None.

**SECTION II: CLOSED SESSION**

Vice Chair Beautz adjourned to Closed Session at 10:46 a.m. and reconvened to Open Session at 11:19 a.m.

**SECTION III: RECONVENE TO OPEN SESSION**

**15. REPORT OF CLOSED SESSION**

Vice Chair Beautz reported that the Board took no reportable action in Closed Session.

**ADJOURN**

There being no further business, Vice Chair Beautz adjourned the meeting at 11:20 a.m.

Respectfully submitted,



CINDI THOMAS  
Administrative Services Coordinator

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Minutes- Board of Directors

April 27, 2007

A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, April 27, 2007 at the Santa Cruz City Council Chambers, 809 Center Street, Santa Cruz, CA.

Chair Tavantzis called the meeting to order at 9:01 a.m.

## SECTION 1: OPEN SESSION

### 1. ROLL CALL:

#### DIRECTORS PRESENT

Jan Beautz (arrived after roll call)  
Dene Bustichi  
Donald Hagen  
Michelle Hinkle  
Kirby Nicol  
Emily Reilly  
Mike Rotkin  
Dale Skillicorn  
Pat Spence  
Mark Stone  
Marcela Tavantzis  
Ex-Officio Donna Blitzer (arrived after roll call)

#### DIRECTORS ABSENT

None

#### STAFF PRESENT

Ciro Aguirre, Operations Manager  
Angel Aitken, Finance Manager  
Pat Aviles, Asst. HR Manager  
Mark Dorfman, Assistant General Manager  
Mary Ferrick, Base Superintendent  
Terry Gale, IT Manager

Margaret Gallagher, District Counsel  
Steve Paulson, Paratransit Administrator  
Robyn Slater, Human Resources Manager  
Tom Stickel, Maintenance Manager  
Les White, General Manager

#### EMPLOYEES AND MEMBERS OF THE PUBLIC WHO VOLUNTARILY INDICATED THEY WERE PRESENT

Clay Kempf, Senior's Council  
Dollye Lanagan, Former ParaCruz Operator  
Bonnie Morr, UTU

Amy Weiss, Spanish Interpreter  
Lou Wenzel, ParaCruz Customer  
Bob Yount, MAC

5-1.10

**2. ORAL AND WRITTEN COMMUNICATION**

Written:

- |    |                                    |     |  |
|----|------------------------------------|-----|--|
| a. | Jeffrey D. Bukowski, Stevens & Lee | Re: | RTCC Minutes Corrections               |
| b. | City of Capitola RDA               | Re: | Public Hearing Notice                  |
| c. | A. John Daugherty, Chair, E&D TAC  | Re: | Service Request                        |
| d. | R. Paul Marcelin-Sampson, MRU      | Re: | Paratransit Recertification            |
| e. | Bud Winslow, Chair, AAA            | Re: | ParaCruz Eligibility & Appeals Process |

Oral:

None.

**3. LABOR ORGANIZATION COMMUNICATIONS**

None.

**4. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS**

None.

**CONSENT AGENDA**

- 5-1. ACCEPT AND FILE PRELIMINARILY APPROVED CLAIMS FOR THE MONTH OF MARCH 2007
- 5-2. CONSIDERATION OF TORT CLAIMS:  
DENY THE CLAIM OF BEN S. JONAS, CLAIM #07-0011
- 5-3. ACCEPT AND FILE METROBASE STATUS REPORT
- 5-4. ACCEPT AND FILE THE METRO ADVISORY COMMITTEE (MAC) AGENDA FOR APRIL 18, 2007 (No Minutes: no February or March meetings due to lack of quorum)
- 5-5. ACCEPT AND FILE PARACRUZ OPERATIONS STATUS REPORT FOR THE MONTH OF JANUARY 2007
- 5-6. ACCEPT AND FILE UNIVERSITY OF CALIFORNIA, SANTA CRUZ SERVICE UPDATE FOR MONTH OF FEBRUARY 2007
- 5-7. ACCEPT AND FILE MINUTES REFLECTING VOTING RESULTS FROM APPOINTEES TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR THE JANUARY, FEBRUARY & MARCH 2007 MEETING(S)
- 5-8. ACCEPT AND FILE NOTIFICATION OF ACTION TAKEN IN CLOSED SESSION REGARDING CLAIM OF CARLOS CARRERA
- 5-9. CONSIDERATION OF RECOMMENDATION TO APPROVE ASSESSMENTS FOR COOPERATIVE RETAIL MANAGEMENT DISTRICT

**ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR REILLY**

**Approve the Consent Agenda**

**Motion passed unanimously with Director Beautz being absent.**

5-1.11

## REGULAR AGENDA

### 7. CONSIDERATION OF APPROVAL OF A RESOLUTION MODIFYING SANTA CRUZ METRO'S BYLAWS INCLUDING REFORMATTING THE REGULAR BOARD MEETINGS, AND ADDING LANGUAGE TO REQUIRE DIRECTORS TO FOLLOW CALIFORNIA LAW RE CONFLICTS OF INTEREST AND OTHER MINOR CHANGES

#### Summary:

Margaret Gallagher reported that the Board is considering whether to reformat its regular meetings into two stand-alone meetings or some combination of the two and today's Agenda is based on previous input received from the Board.

#### VICE CHAIR BEAUTZ ARRIVED

The Board is also considering the conflict of interest issue and staff has provided broader language recommending that the bylaws should say that the Board will follow the law, as each instance will be analyzed on a case-by-case basis. Lastly, the Board is considering the passage of Resolutions and staff is recommending new language be adopted which will allow for passage of a Resolution by a motion if it proves unanimous, otherwise, a roll call vote will be taken.

Ms. Gallagher explained that she had not prepared a full Resolution modifying the Bylaws for approval at today's meeting because the Agenda formatting is still in flux. However, staff is asking for more input today and will bring a full Resolution to the Board next month.

#### Discussion:

Les White explained that today's Agenda has been modified to reflect suggestions made at the workshop meeting, specifically, that action items for the first meeting would be listed at the end of the Regular Agenda and be replaced by new items on the second Agenda. Also, all Consent Agenda items ready for the first meeting would be listed on the first Agenda, and any new items normally on Consent that were not ready for the first meeting would be added to the Regular Agenda for the second meeting, which is what you see on today's Agenda.

#### EX-OFFICIO DIRECTOR BLITZER ARRIVED

Items #10, #11, #12 and #13 would typically have appeared as Consent items on the first Agenda, had they been ready.

Today's Regular Agenda includes items that were available and included on the first Agenda as well as new items, which are not identified as new items. Nor are the action items from the first meeting noted as being "Deleted: action taken at the April 13<sup>th</sup> Board Meeting" rather, they are replaced with new items with no indication they are replacing previous items because this is a freestanding Agenda.

Vice Chair Beautz stated that new items could be added to the Consent Agenda for the second meeting, and other than that, today's Agenda seems to work well.

5-1.12

Directors Rotkin, Reilly and Chair Tavantzis spoke in favor of today's format, stating that Items #10 through #16 could have been added to the Consent Agenda, rather than the Regular Agenda.

Director Spence asked about making a reference to the attachment AR-1004, Directors Code of Ethics in the Bylaws and Margaret Gallagher offered to include language next month for the Board to consider.

Chair Tavantzis clarified for Director Stone, who was absent from the April 13<sup>th</sup> Board Meeting, that the Board had rejected the Agenda format of Attachment "A" at that meeting.

Margaret Gallagher asked for clarification on the first meeting Agenda format. Chair Tavantzis replied that the first meeting would continue to be a workshop session and that action items for the first meeting, either on the Consent or Regular Agenda, would be listed as such at the end and drop off and be replaced by new items on the second Agenda. Ms. Gallagher stated that Section 1.01b of the Bylaws may not need any modification after all.

**ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR SKILLICORN**

**Direct staff to bring a full Resolution back to the Board next month reflecting modifications to METRO's Bylaws as discussed and clarified today, including staff recommendations regarding Conflict-of-Interest and passage of Resolutions**

**Motion passed unanimously with all Directors present.**

**8. CONSIDERATION OF MODIFICATIONS TO METRO'S PARACRUZ ELIGIBILITY AND APPEALS PROCESS REGULATION TO CONFORM THE REGULATION WITH THE ACTUAL PRACTICES, SUBSTITUTE MAC, INSTEAD OF MASTF, AS AN APPOINTING AUTHORITY TO THE APPEALS PANEL AND OTHER CHANGES**

**Summary:**

Margaret Gallagher reported that staff is requesting that this item be continued to a subsequent Board Meeting in order to give MAC, E&D TAC and the public sufficient time to provide input and also to formalize a process for making modifications to this regulation.

**ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR HAGEN**

**Continue this item to a subsequent Board Meeting**

**Discussion:**

Clay Kempf, Senior's Council, thanked staff for giving E&D TAC an opportunity to provide input and also expressed concern that the proposed modifications would eliminate temporary eligibility extensions. Mr. Kempf urged the Board to reconsider this issue and thanked the Board for continuing the item.

**5-1.13**

Bob Yount stated that he was speaking his own personal views although he is currently Chair of MAC and a former member of E&D TAC. Mr. Yount said he takes exception to the second paragraph of written correspondence Item #2-e from the AAA Advisory Council, which is not on letterhead and has no signature. The paragraph asserts that "METRO is once again changing rules without any notice or opportunity for comment from E&D TAC". Mr. Yount reported that last summer and fall, when MAC reviewed Paratransit Users Guide, every member had read it and gave input. However, when E&D TAC had a chance to comment on the Paratransit Users Guide, not one member had even read it and they had no comments. Mr. Yount stated that because E&D TAC had an opportunity to comment and showed no interest whatsoever, he personally does not care what E&D TAC has to say now, and particularly Clay Kempf.

**Motion passed unanimously with all Directors present.**

**9. CONSIDERATION OF DIRECTING STAFF TO IDENTIFY TRANSIT SYSTEMS INTERESTED IN ACQUIRING METRO'S RUBBER TIRED TROLLEY**

**Summary:**

Les White reported that subsequent to the presentation of this Staff Report, MST has indicated their interest in acquiring the trolley through a federal asset transfer and secondly, the City of Capitola has indicated it is interested in exploring the use of the trolley to expanding its shuttle service.

**ACTION: MOTION: DIRECTOR REILLY SECOND: DIRECTOR ROTKIN**

**Defer action on this item until there has been a determination as to whether or not the City of Capitola can step forward with a plan for the Board to consider; if not, authorize staff to continue discussions with MST. Staff to bring this issue back to the Board with a recommendation by June 2007**

**Motion passed unanimously with all Directors present.**

**ITEMS #10 - #16 WERE APPROVED IN ONE MOTION**

- 10. CONSIDERATION OF TORT CLAIMS:  
DENY THE CLAIM OF PAUL CROWLEY, CLAIM #07-0013**
- 11. APPROVE THE REGULAR BOARD MEETING MINUTES OF MARCH 9 & 23, 2007**
- 12. ACCEPT AND FILE MONTHLY BUDGET STATUS REPORT FOR DECEMBER 2006  
AND APPROVAL OF BUDGET TRANSFERS**
- 13. ACCEPT AND FILE MARCH 2007 RIDERSHIP REPORT**
- 14. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A  
CONTRACT FOR FINANCIAL AUDIT AND TAX SERVICES**

**5-1.14**

15. **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT RENEWAL WITH VEHICLE MAINTENANCE PROGRAM, INC. FOR BUS FILTERS**
16. **ACCEPT AND FILE CALL STOP AUDIT REPORT FOR THE PERIOD OF JANUARY, FEBRUARY & MARCH, 2007**

**ACTION: MOTION: DIRECTOR REILLY SECOND: DIRECTOR ROTKIN**

**Approve Items #10 - #16**

**Discussion:**

Regarding Item #16, there was a discussion about missed Call Stop Announcements. Bonnie Morr, UTU, informed the Board that mechanical issues that cause missed calls are out of the operators' control.

**Motion passed unanimously with all Directors present.**

17. **CONSIDERATION OF CONTINUING SPONSORSHIP OF LEADERSHIP SANTA CRUZ COUNTY IN ORDER TO PROVIDE EDUCATION ON TRANSPORTATION ISSUES, SERVICES, AND FACILITIES**

**Summary:**

Les White reported that staff is recommending that the Board approve the request from Leadership Santa Cruz County that METRO continue to be a sponsor of the program by providing a bus for a tour of various METRO facilities and a presentation by METRO of information about the system, services, facilities, and projects on May 11, 2007.

**ACTION: MOTION: DIRECTOR REILLY SECOND: DIRECTOR ROTKIN**

**Approve METRO continuing to be a sponsor of the Leadership Santa Cruz County Program, providing information regarding public transit services and facilities to the class of Members, and providing a bus on May 11, 2007 for a tour of various facilities and activities**

**Discussion:**

Director Spence suggested distributing MAC brochures as part of the presentation.

**Motion passed unanimously with all Directors present.**

18. **CONSIDERATION OF REQUEST FOR SHUTTLE SERVICE RECEIVED FROM THE CITY OF WATSONVILLE**

**ACTION: MOTION: DIRECTOR BEAUTZ SECOND: DIRECTOR ROTKIN**

**5-1.15**

**Authorize the General Manager to enter into an Agreement with the City of Watsonville to provide shuttle service between the Watsonville Transit Center and Palm Beach**

**Motion passed unanimously with all Directors present.**

Chair Tavantzis clarified that Pajaro Dunes is paying for this shuttle, not the City of Watsonville.

**19. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT FOR SUPPLEMENTAL PARATRANSIT SERVICES**

**Summary:**

Tom Stickel reported that two proposals were received, and the evaluation committee recommends that contracts be established with both of them.

**Discussion:**

Bonnie Morr, UTU, introduced former ParaCruz Operator, Dollye Lanagan, who told the Board how much she had enjoyed her job and hopes to be able to return to her employment with METRO as a ParaCruz Operator.

**ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR REILLY**

**Authorize the General Manager to execute a contract for Supplemental Paratransit Service with Santa Cruz Transportation, LLC and Watsonville Transportation, Inc**

**Discussion:**

Lou Wenzel, ParaCruz Customer, stated that he strongly backs Dollye's plea to return to ParaCruz as a driver because she went above and beyond his expectations when he was her passenger.

**Motion passed unanimously with all Directors present.**

**Direction:** Director Rotkin requested a Closed Session report on the circumstances and staff position regarding Ms. Lanagan's request.

**20. CONSIDERATION OF REJECTING ALL BIDS RECEIVED FOR SUPPLY AND DELIVERY OF LIQUEFIED NATURAL GAS AND DIRECT THE PURCHASING AGENT TO RE-BID THE PROCUREMENT WITH REVISED AND ADDED SPECIFICATIONS**

**Summary:**

Tom Stickel reported that protests were filed from two of the bidders on the District's intention to award the contract to the lowest responsive bidder. During the investigation of the protests, the

5-1.16

apparent low bidder did not meet all of the requirements. District staff has also concluded that the bid specifications need revision.

**ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR REILLY**

**Reject all bids received for the supply and delivery of Liquefied Natural Gas (LNG) and direct the Purchasing Agent to process a new Invitation for Bids with revised specifications**

**Motion passed unanimously with all Directors present.**

**21. AUTHORIZE THE GENERAL MANAGER TO AMEND THE CONTRACT FOR THE PURCHASE OF THE TYPE 7 BUS TO REFLECT THE INCREASED COST**

**Summary:**

Tom Stickel reported that the price quotation from Creative Bus Sales, Inc. inadvertently did not include floor modifications and five fold-away seats. The revised quotation will increase the price by \$6,059.08, to a new total amount of \$106,859.75.

**ACTION: MOTION: DIRECTOR REILLY SECOND: DIRECTOR ROTKIN**

**Authorize the General Manager to execute a contract amendment for the purchase of one each Type 7 Paratransit medium duty bus with Creative Bus Sales, Inc. to reflect an increase in cost**

**Motion passed unanimously with all Directors present.**

**22. CONSIDERATION OF REMOVAL OF THE PAYROLL AND BENEFITS COORDINATOR CLASS SPECIFICATION TO CREATE THE NEW FINANCIAL ANALYST CLASS SPECIFICATION AND HOURLY SALARY RANGE**

**Summary:**

Robyn Slater reported that the Payroll and Benefits Coordinator retired in December 2006 after over thirty years with METRO. An internal candidate was promoted to fill the position and voluntarily demoted after a short time. After reviewing the needs of the Finance department a decision was made to remove the vacant Payroll and Benefits Coordinator position and create a new class specification in it's place, which union representatives have reviewed and approved.

The position will be open as closed-promotional for 10 days before opening it up to the public.

**ACTION: MOTION: DIRECTOR SPENCE SECOND: DIRECTOR HINKLE**

**Approve the removal of the Payroll and Benefits Coordinator class specification to create the new Financial Analyst class specification and hourly salary range**

**5-1.17**

Motion passed unanimously with all Directors present.

**23. CONSIDERATION OF AMENDING THE MAC BYLAWS TO:**

- 1) MODIFY SECTION 5.4 TO IDENTIFY A QUORUM FOR A MEETING AS A MAJORITY OF THE FILLED MEMBERSHIP POSITIONS WITH 4 MEMBERS BEING THE MINIMUM NUMBER FOR A QUORUM;**
  - 2) MODIFY SECTION 3.1 TO PROVIDE THAT EACH MAC MEMBER THAT ATTENDS THE MONTHLY MEETING WILL BE PROVIDED WITH 3 SYSTEM-WIDE DAY PASSES EACH MONTH;**
  - 3) MODIFY SECTION 2.2 TO ALLOW THE INSTALLATION OF MAC INFORMATIONAL SIGNS INSIDE OF METRO BUSES AND THE DISTRIBUTION OF AN INFORMATIONAL BROCHURE; AND**
- CONSIDERATION OF HOLDING A JOINT MEETING OF THE BOARD OF DIRECTORS AND THE MAC IN JUNE 2007**

**Summary:**

Les White reported that at the April 18, 2007 MAC meeting, MAC discussed the quorum deficiency issue and voted to recommend that the Board amend Section 5.4 of the MAC Bylaws regarding the definition of a quorum. MAC also voted to recommend that the Board amend Section 2.2 to provide an incentive for MAC members to attend monthly meetings, amend the same section to allow for MAC information to be posted inside of buses and to allow for direct distribution of an informational brochure; and finally, MAC would like to reinforce their connection to the Board by holding a joint meeting. Mr. White clarified that the amendment to Section 3.1 should actually be Section 2.2.

**Discussion:**

There was a discussion about MAC vacancies and the difficulty in filling them. Les White offered to bring a Staff Report to the Board next month clarifying the terms, appointments, and vacancies on MAC.

**ACTION: MOTION: DIRECTOR HAGEN SECOND: DIRECTOR REILLY**

**Approve MAC recommendations to amend Sections 5.4 and 2.2 of the MAC Bylaws to modify quorum requirements, provide day passes to committee members, allow the placement of signs in buses, and allow the distribution of informational brochures. MAC materials are to be approved by the General Manager prior to distribution. Direct staff to schedule a joint Board/MAC meeting at the Workshop Meeting where the Wilbur Smith consulting firm presents their draft findings regarding service recommendations**

Motion passed unanimously with all Directors present.

**24. ORAL ANNOUNCEMENT: NOTIFICATION OF MEETING LOCATION FOR MAY 25, 2007 – CAPITOLA CITY COUNCIL CHAMBERS, 420 CAPITOLA AVE, CAPITOLA**

**5-1.18**

Chair Tavantzis reported that the May 25, 2007 Board Meeting would be held at the Capitola City Council Chambers, 420 Capitola Avenue in Capitola.

**ADJOURN**

There being no further business, Chair Tavantzis adjourned the meeting at 10:22 a.m.

Respectfully submitted,



CINDI THOMAS  
Administrative Services Coordinator

DRAFT

5-1-19

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT  
 CHECK JOURNAL DETAIL BY CHECK NUMBER  
 ALL CHECKS FOR COAST COMMERCIAL BANK

DATE: 04/01/07 THRU 04/30/07

CHECK NUMBER	CHECK DATE	CHECK AMOUNT	VENDOR	VENDOR NAME	VENDOR TYPE	TRANS. NUMBER	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	COMMENT
21433M04/06/07		95.00	001945	SANTA CRUZ COUNTY BAR ASSN ADVERTISEMENT		11528	PARA LEGAL AD	95.00	MANUAL
21434	04/13/07	123,120.39	001035	HARRIS & ASSOCIATES		11509	MB FEB 07 PROF SVC	54,189.94	
						11510	MB JAN 07 PROF SVCS	68,930.45	
21435	04/13/07	4,230.52	001036	STANDARD INSURANCE COMPANY		11511	APR LIFE/AD&D INS	4,230.52	
21436	04/13/07	10,924.38	001043	VISION SERVICE PLAN		11512	APR VISION INS	10,924.38	
21437	04/13/07	1,404.08	001048	CRUZ CAR WASH		11513	VEH WASH SVCS/PT	1,404.08	
21438	04/13/07	2,023.90	001052	MID VALLEY SUPPLY		11514	CLEANING SUPPLIES	2,023.90	
21439	04/13/07	15,429.69	001063	NEW FLYER INDUSTRIES LIMITED		11465	REV VEH PARTS 3966	3,965.69	
						11466	REV VEH PARTS 321	321.07	
						11467	REV VEH PARTS 5291	5,290.78	
						11468	REV VEH PARTS 403	403.46	
						11469	REV VEH PARTS 462	462.44	
						11470	REV VEH PARTS 164	164.12	
						11471	REV VEH PARTS 159	158.76	
						11472	REV VEH PARTS 47	47.48	
						11473	REV VEH PARTS 4616	4,615.89	
21440	04/13/07	9,690.60	001075	SOQUEL III ASSOCIATES	7	11474	CAM ADJUST-CREDIT	-1,662.90	
						9000968	RESEARCH PARK RENT	11,353.50	
21441	04/13/07	7,794.93	001076	BROUGHTON LAND, LLC		9000969	110 VERNON ST RENT	7,794.93	
21442	04/13/07	318.50	001093	KROLL LABORATORY SPECIALISTS		11515	FEB/MAR DRUG TESTING	318.50	
21443	04/13/07	1,407.00	001119	MACERICH PARTNERSHIP LP	7	9000970	CAPITOLA MALL RENT	1,407.00	
21444	04/13/07	238.34	001230	CAPITOL CLUTCH & BRAKE, INC.		11475	REV VEH PARTS	238.34	
21445	04/13/07	931.88	001315	WASTE MANAGEMENT		11516	APR-JUN BIG BASIN/HY	45.51	
						11517	APR-JUN AIRPORT/FREE	450.78	
						11518	APR-JUN LOMOND/HY	45.51	
						11519	MAR MT HERMON/KINGS	57.60	
						11520	MAR KINGS VILLAGE	161.92	
						11521	MAR RESEARCH PARK	170.56	
21446	04/13/07	76,385.47	001316	DEVCO OIL		11476	FLT FUEL 3/27-4/8	76,385.47	
21447	04/13/07	1,705.75	001346	CITY OF SANTA CRUZ		11522	PARKING DEF FEES	850.00	
						11523	INSPECTION SVCS/MB	855.75	
21448	04/13/07	173.53	001358	MARINA MOTOR COMPANY		11502	OUT RPR OTH VEH	173.53	
21449	04/13/07	5,000.00	001365	BORTNICK, ROBERT S. & ASSOC.	7	11477	CALL STOP SURVEY	5,000.00	
21450	04/13/07	889.20	001379	SAFETY-KLEEN SYSTEMS, INC.		11524	HAZ WASTE DISPOSAL	889.20	
21451	04/13/07	1,602.10	001506	WESTERN STATES OIL CO., INC.		11478	FUEL/LUB FLT	1,602.10	
21452	04/13/07	152.00	001523	SANTA CRUZ MEDICAL CLINIC	7	11525	MEDICAL EXAMS	152.00	
21453	04/13/07	14,165.23	001648	STEVE'S UNION SERVICE		11479	MAR FUEL/FLT	45.35	
						11526	MARCH FUEL/PT	14,119.88	
21454	04/13/07	160.00	001817	SOCIETY FOR HUMAN RESOURCE		11527	MEM. DUES 6/07-5/08	160.00	
21455	04/13/07	19,380.00	001976	SPORTWORKS NORTHWEST, INC.		11480	20 BIKE RACKS 19380	19,380.00	
21456	04/13/07	3,826.19	001A	AT&T/MCI		11529	MARCH PHONES/IT	1,484.49	
						11530	MARCH PHONES	1,792.21	
						11531	MARCH PHONES/PT	497.69	
						11532	MARCH PHONES/PT	51.80	
21457	04/13/07	15.08	002063	COSTCO		11481	PHOTO PROC-OPS	15.08	
21458	04/13/07	1,196.63	002069	A TOOL SHED, INC.		11533	3/6-3/8 RENTAL	1,196.63	
21459	04/13/07	26,500.00	002116	HINSHAW, EDWARD & BARBARA	7	9000971	370 ENCINAL RENT	26,500.00	
21460	04/13/07	14,214.64	002117	IULIANO	7	9000972	111 DUBOIS RENT	11,214.64	
						9000973	115 DUBOIS RENT	3,000.00	

5-2.1

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT  
 CHECK JOURNAL DETAIL BY CHECK NUMBER  
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DATE: 04/01/07 THRU 04/30/07

CHECK NUMBER	CHECK DATE	CHECK AMOUNT	VENDOR	VENDOR NAME	VENDOR TYPE	TRANS. NUMBER	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	COMMENT
21461	04/13/07	4,460.00	002119	LEWIS TREE SERVICE, INC.		11534	TREE SVCS AT MC	4,460.00	
21462	04/13/07	1,750.00	002238	CRANE CERTIFICATION CO.		11535	INSP & TEST CRANES	1,750.00	
21463	04/13/07	2,500.00	002267	SHAW & YODER, INC.		11536	FEB LEGISLATIVE SVCS	2,500.00	
21464	04/13/07	1,650.00	002287	CALIFORNIA SERVICE EMPLOYEES		11537	APRIL MEDICAL	1,650.00	
21465	04/13/07	5,558.16	002346	CHANEY, CAROLYN & ASSOC., INC.		11538	APR LEGISLATIVE SVCS	5,000.00	
						11605	JUL-DEC 06 LEG SVCS	558.16	
21466	04/13/07	55.00	002388	DOGHERRA'S	7	11539	TOWING #320	55.00	
21467	04/13/07	165.18	002504	TIFCO INDUSTRIES		11482	PARTS & SUPPLIES	165.18	
21468	04/13/07	19,080.76	002569	COMERICA BANK		11540	WORK COMP FUND	19,080.76	
21469	04/13/07	691.89	002689	B & B SMALL ENGINE		11541	REPAIRS/MAINTENANCE	691.89	
21470	04/13/07	1,629.74	002721	NEXTEL COMMUNICATIONS		11542	3/4-4/3 PHONES/PT	1,629.74	
21471	04/13/07	175.00	002826	HOLIDAY MUFFLER SERVICE		11483	OUT RPR OTH VEH	175.00	
21472	04/13/07	7,223.45	002829	VALLEY POWER SYSTEMS, INC.		11485	REV VEH PARTS	1,180.00	
						11486	REV VEH PARTS	49.52	
						11487	OUT RPR REV VEH	5,993.93	
21473	04/13/07	151.04	002861	AMERICAN MESSAGING SVCS, LLC		11484	APR PAGER/FLT	31.80	
						11543	APR PAGERS/FAC	119.24	
21474	04/13/07	500.00	002873	USPS-HASLER		11544	POSTAGE/PT	500.00	
21475	04/13/07	805.95	002876	AA AUTO COLLISION CENTER		11545	OUT RPR VEH/PT	805.95	
21476	04/13/07	575.89	002883	UNISTORAGE		11546	PALM TX HANDHELD PDA	575.89	
21477	04/13/07	43.49	002886	AERIS		11547	REPAIRS/MAINTENANCE	43.49	
21478	04/13/07	27,062.18	002891	NCLN20, INC.		11488	JAN SECURITY	27,062.18	
21479	04/13/07	2,390.74	004	NORTH BAY FORD LINC-MERCURY		11548	REV VEH PARTS/PT	2,390.74	
21480	04/13/07	21,925.80	009	PACIFIC GAS & ELECTRIC		11489	MAR CNG/FLT	10,705.57	
						11549	3/2-3/30 115 DUBOIS	12.23	
						11550	3/2-3/30 FLEET	5,226.69	
						11551	3/6-4/3 920 PACIFIC	1,614.96	
						11552	3/2-3/30 115 DUBOIS	123.37	
						11553	3/2-3/31 370 ENCINAL	2,600.20	
						11554	3/2-3/30	1,503.22	
						11555	3/2-3/30 110 VERNON	139.56	
21481	04/13/07	9.15	036	KELLY-MOORE PAINT CO., INC.		11556	REPAIRS/MAINTENANCE	9.15	
21482	04/13/07	3,902.03	041	MISSION UNIFORM		11490	UNIF/LAUNDRY FLT	3,231.25	
						11557	MAR UNIF/LAUNDRY/FAC	526.56	
						11558	MAR UNIF/LAUNDRY/PT	144.22	
21483	04/13/07	89.00	042	ORCHARD SUPPLY HARDWARE		11559	REPAIRS/MAINTENANCE	89.00	
21484	04/13/07	1,505.99	043	PALACE ART & OFFICE SUPPLY		11560	OFFICE SUPPLIES	1,505.99	
21485	04/13/07	98.05	045	ROYAL WHOLESALE ELECTRIC		11561	REPAIRS/MAINTENANCE	98.05	
21486	04/13/07	56.35	074	KENVILLE LOCKSMITHS	7	11562	MAR/APR LOCKS/KEYS	56.35	
21487	04/13/07	6,882.38	079	SANTA CRUZ MUNICIPAL UTILITIES		11563	3/1-3/30 920 PACIFIC	2,473.05	
						11564	3/1-3/30 920 PACIFIC	79.92	
						11565	2/28-3/26 1200 RIVER	2,038.22	
						11566	2/28-3/26 1122 RIVER	41.45	
						11567	2/28-3/26 ENCINAL	774.46	
						11568	2/28-3/26 138 GOLF	881.08	
						11569	2/28-3/26 GOLF CLUB	39.34	
						11570	2/28-3/26 ENCINAL ST	118.82	
						11571	2/28-3/26 111 DUBOIS	88.63	
						11572	2/28-3/26 111 DUBOIS	347.41	
21488	04/13/07	1,814.19	080A	STATE BOARD OF EQUALIZATION		11491	JAN-MAR/07 FUEL TAX	1,814.19	

5-2.2

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT  
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DATE: 04/01/07 THRU 04/30/07

CHECK NUMBER	CHECK DATE	CHECK AMOUNT	VENDOR	VENDOR NAME	TRANS. TYPE	TRANS. NUMBER	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	COMMENT
21489	04/13/07	13,108.83	085	DIXON & SON TIRE, INC.		11492	TIRES/TUBES FLT	12,633.99	
						11573	MAR OUT RPR/TIRES/PT	474.84	
21490	04/13/07	203.85	087	RECOGNITION SERVICES		11574	EMP INCENTIVE 189	203.85	
21491	04/13/07	181.79	107A	LUMBERMENS		11493	PARTS & SUPP/FLT	13.44	
						11575	REPAIRS/MAINTENANCE	168.35	
21492	04/13/07	2,617.84	110	JESSICA GROCERY STORE, INC.		9000974	CUSTODIAL SERVICES	2,617.84	
21493	04/13/07	807.32	117	GILLIG CORPORATION		11494	SAFETY/REV VEH PARTS	807.32	
21494	04/13/07	40.99	123	BAY PHOTO LAB		11576	PHOTO PROCESS/PT	40.99	
21495	04/13/07	909.38	135	SANTA CRUZ AUTO PARTS, INC.		11577	REV VEH PTS/SM TOOL	909.38	
21496	04/13/07	139.43	147	ZEE MEDICAL SERVICE CO.		11578	SAFETY SUPPLIES	139.43	
21497	04/13/07	940.10	166	HOSE SHOP, THE		11495	PARTS & SUPPLIES	713.48	
						11496	REV VEH PTS/SUPP	226.62	
21498	04/13/07	107.60	172	CENTRAL WELDER'S SUPPLY, INC.		11497	SAFETY SUPPLIES	107.60	
21499	04/13/07	91.20	215	IKON OFFICE SOLUTIONS		11579	2/19 3/19 MAINT/ADM	91.20	
21500	04/13/07	152.44	294	ANDY'S AUTO SUPPLY		11498	REV VEH PARTS/SUPP	152.44	
21501	04/13/07	1,593.75	398	DAVIS, MORRIS E.	7	11580	MAR PROF SVCS/HRD	1,593.75	
21502	04/13/07	1,884.80	432	EXPRESS PERSONNEL SERVICES		11499	FLT TEMP 3/5-3/16	1,884.80	
21503	04/13/07	60.78	434	VERTIZON WIRELESS		11581	WIRELESS PC CARD	60.78	
21504	04/13/07	745.00	478	BEE CLENE	0	11582	CARPET/ENCINAL	745.00	
21505	04/13/07	644.00	481	PIED PIPER EXTERMINATORS, INC.		11583	MARCH PEST CONTROL	644.00	
21506	04/13/07	272.68	504	CUMMINS WEST, INC.		11500	REV VEH PARTS	272.68	
21507	04/13/07	89.87	510A	HASLER, INC.		11584	5/1-5/31 RENTAL/ADM	48.83	
						11585	5/1-5/31 RENTAL/PT	41.04	
21508	04/13/07	50.30	667	CITY OF SCOTTS VALLEY		11586	1/15-3/15 KINGS VLG	50.30	
21509	04/13/07	1,397.08	681	SCOTTS BODY SHOP	7	11501	OUT RPR #501 HYBRID	1,397.08	
21510	04/13/07	70.00	682	WEISS, AMY L.	7	11587	MARCH INTERPRETER	70.00	
21511	04/13/07	3,899.47	739	CENTURY CHEVROLET		11588	OUT REP REV VEH/PT	3,899.47	
21512	04/13/07	2,500.00	761	MIGUES CONSTRUCTION COMP, INC.		11589	REMOVE WALL/MC	2,500.00	
21513	04/13/07	38,740.19	800	DELTA DENTAL PLAN		11590	APRIL DENTAL	38,740.19	
21514	04/13/07	18.31	848	SANTA CRUZ ELECTRONICS, INC.		11591	COMPUTER SUPPLIES/IT	18.31	
21515	04/13/07	15,488.68	851	I.M.P.A.C. GOVERNMENT SERVICES		11592	4055019201230322	15,488.68	
21516	04/13/07	446.00	852	LAW OFFICES OF MARIE F. SANG	7	11593	WORKERS COMP CLAIMS	446.00	
21517	04/13/07	4,320.00	878	KELLY SERVICES, INC.		11594	TEMP/FIN W/E 3/4	2,048.00	
						11595	TEMP/FIN W/E 3/11	2,272.00	
21518	04/13/07	1,077.09	882	PRINT SHOP SANTA CRUZ		11596	PRINTING/PT	1,077.09	
21519	04/13/07	31,153.43	904	RNL DESIGN		11597	PROF SVCS THRU 2/28	31,153.43	
21520	04/13/07	2,950.18	909	CLASSIC GRAPHICS		11503	OUT RPR REV VEH	2,950.18	
21521	04/13/07	16,337.97	941	ASSURANT EMPLOYEE BENEFITS		11598	APR LTD INS	16,337.97	
21522	04/13/07	914.94	943	CLEAN BUILDING MAINTENANCE		11599	FEB JANITORIAL SVC	914.94	
21523	04/13/07	61,457.34	954	DOWNTOWN FORD SALES		11504	2007 FORD F550	61,457.34	
21524	04/13/07	214.16	973	SANTA CRUZ DODGE		11505	REV VEH PARTS	214.16	
21525	04/13/07	500.00	974	SAFARI, ADAM		11600	OUT REPAIR/CAFE LENA	500.00	
21526	04/13/07	10,502.47	977	SANTA CRUZ TRANSPORTATION, LLC		11601	FEB 07 PT SVC	10,502.47	
21527	04/13/07	117.41	E002	STICKEL, TOM		11602	EMP.TRAVEL/STICKEL	92.45	
						11603	EMP.TRAVEL/STICKEL	24.96	
21528	04/13/07	38.00	E259	PEREZ, ANTONIO		11507	DMV FEES	38.00	
21529	04/13/07	142.29	E312	CHENG, FRANK		11604	OFFICE SUPPLIES/MTG	142.29	
21530	04/13/07	55.00	E603	PONS, JUAN		11506	DMV FEES	55.00	
21531	04/13/07	309.51	M003	WYANT, JUDI	Y	9000975	MED PYMT SUPP	309.51	
21532	04/13/07	315.76	M005	ROSS, EMERY	7	9000976	MED PYMT SUPP	315.76	

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SANTA CRUZ METROPOLITAN TRANSIT DISTRICT  
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21533	04/13/07	363.97	M007	BLAIR-ALWARD, GREGORY	7	9000977	MED PYMT SUPP	363.97	
21534	04/13/07	363.97	M010	SHORT, SLOAN	7	9000978	MED PYMT SUPP	363.97	
21535	04/13/07	241.33	M016	HICKLIN, DONALD KENT	7	9000979	MED PYMT SUPP	241.33	
21536	04/13/07	122.64	M022	CAPELLA, KATHLEEN	7	9000980	MED PYMT SUPP	122.64	
21537	04/13/07	48.42	M033	BAILEY, NEIL	7	9000981	MED PYMT SUPP	48.42	
21538	04/13/07	24.22	M036	CERVANTES, GLORIA	7	9000982	MED PYMT SUPP	24.22	
21539	04/13/07	24.22	M039	DAVILA, ANA MARIA	7	9000983	MED PYMT SUPP	24.22	
21540	04/13/07	24.22	M040	GARBEZ, LINDA	7	9000984	MED PYMT SUPP	24.22	
21541	04/13/07	48.42	M041	GOUVEIA, ROBERT	7	9000985	MED PYMT SUPP	48.42	
21542	04/13/07	24.22	M050	O'MARA, KATHLEEN	7	9000986	MED PYMT SUPP	24.22	
21543	04/13/07	48.42	M054	SLOAN, FRANCIS	7	9000987	MED PYMT SUPP	48.42	
21544	04/13/07	346.62	M057	PARHAM, WALLACE	7	9000988	MED PYMT SUPP	346.62	
21545	04/13/07	346.62	M058	POTEETE, BEVERLY	7	9000989	MED PYMT SUPP	346.62	
21546	04/13/07	377.09	M061	KAMEDA, TERRY	7	9000990	MED PYMT SUPP	377.09	
21547	04/13/07	308.52	M064	PETERS, TERRIE	7	9000991	MED PYMT SUPP	308.52	
21548	04/13/07	50.32	M068	BASS, BETTY	7	9000992	MED PYMT SUPP	50.32	
21549	04/13/07	61.33	M069	JACOBS, KENNETH	7	9000993	MED PYMT SUPP	61.33	
21550	04/13/07	61.33	M070	PICARELLA, FRANCIS	7	9000994	MED PYMT SUPP	61.33	
21551	04/13/07	177.12	M072	BRIDINGER, CHRIS	7	9000995	MED PYMT SUPP	177.12	
21552	04/13/07	61.33	M073	CENTER, DOUG	7	9000996	MED PYMT SUPP	61.33	
21553	04/13/07	154.94	M074	GABRIELE, BERNARD	7	9000997	MED PYMT SUPP	154.94	
21554	04/13/07	72.86	M075	HOWARD, CAROL	7	9000998	MED SUPP PYMT	72.86	
21555	04/13/07	177.12	M076	VONWAL, YVETTE	7	9000999	MED PYMT SUPP	177.12	
21556	04/13/07	48.42	M079	BROGDON, ROY	7	9001000	MED PYMT SUPP	48.42	
21557	04/13/07	48.42	M081	HALL, JAMES	7	9001001	MED PYMT SUPP	48.42	
21558	04/13/07	24.25	M082	HINDIN, LENORE	7	9001002	MED PYMT SUPP	24.25	
21559	04/13/07	48.42	M085	ROSSI, DENISE	7	9001003	MED PYMT SUPP	48.42	
21560	04/13/07	24.22	M086	TOLINE, DONALD	7	9001004	MED PYMT SUPP	24.22	
21561	04/13/07	24.22	M088	YAGI, RANDY	7	9001005	MED PYMT SUPP	24.22	
21562	04/13/07	32.30	M090	CLARKE, PATRICIA	7	9001006	MED PYMT SUPP	32.30	
21563	04/13/07	61.33	M092	CRAWFORD, TERRI	7	9001007	MED PYMT SUPP	61.33	
21564	04/13/07	61.33	M095	DIXON, GEORGE	7	9001008	MED PYMT SUPP	61.33	
21565	04/13/07	61.33	M096	DRAKE, JUDITH	7	9001009	MED PYMT SUPP	61.33	
21566	04/13/07	61.33	M098	FAUCI, SUSAN	7	9001010	MED PYMT SUPP	61.33	
21567	04/13/07	61.33	M099	FIKE, LOUIS	7	9001011	MED PYMT SUPP	61.33	
21568	04/13/07	48.42	M100	GARCIA, SANTIAGO	7	9001012	MED PYMT SUPP	48.42	
21569	04/13/07	61.33	M101	GOES, ALAN	7	9001013	MED PYMT SUPP	61.33	
21570	04/13/07	32.30	M103	JEMISON, MAURICE	7	9001014	MED PYMT SUPP	32.30	
21571	04/13/07	61.33	M104	JUSSEL, PETE	7	9001015	MED PYMT SUPP	61.33	
21572	04/13/07	32.30	M105	KOHAMA, MARY	7	9001016	MED PYMT SUPP	32.30	
21573	04/13/07	32.30	M106	LYALL, JOHN	7	9001017	MED PYMT SUPP	32.30	
21574	04/13/07	61.33	M108	MILLER, FOREST	7	9001018	MED PYMT SUPP	61.33	
21575	04/13/07	62.96	M109	PEREZ, CHERYL	7	9001019	MED PYMT SUPP	62.96	
21576	04/13/07	32.30	M111	SANCHEZ, FELIX	7	9001020	MED PYMT SUPP	32.30	
21577	04/13/07	61.33	M112	SILVA, EDUARDO	7	9001021	MED PYMT SUPP	61.33	
21578	04/13/07	72.86	M115	WILLIAMS, CHRIS	7	9001022	MED PYMT SUPP	72.86	
21579	04/13/07	72.86	M116	CRAMBLETT, LAWRENCE	7	9001023	MED PYMT SUPP	72.86	
21580	04/13/07	61.33	M117	POLANCO, ANDRES	7	9001024	MED PYMT SUPP	61.33	
21581M04/18/07		6,832.33	985	AT&T CWBO BILLING		11698	CUSTOM WORK/MB	6,832.33	MANUAL
				CUSTOM WORK/MB					

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SANTA CRUZ METROPOLITAN TRANSIT DISTRICT  
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21582	04/27/07	489.37	001	SBC		11606	APR REPEATERS/OPS	85.81	
						11607	APR REPEATERS/OPS	403.56	
21583	04/27/07	4,497.84	001063	NEW FLYER INDUSTRIES LIMITED		11700	REV VEH PARTS 173	173.01	
						11701	REV VEH PARTS 524	524.40	
						11702	REV VEH PARTS 95	95.40	
						11703	REV VEH 240	240.13	
						11704	REV VEH PARTS 2359	2,359.12	
						11705	REV VEH PARTS 613	613.16	
						11706	REV VEH PARTS 484	483.84	
						11707	REV VEH PARTS 9	8.78	
21584	04/27/07	80,488.99	001316	DEVCO OIL		11708	FUEL FLT 4/10-4/23	80,488.99	
21585	04/27/07	73.00	001401	KIPLINGER CALIFORNIA LETTER		11609	KIPLINGER CALIF/FIN	73.00	
21586	04/27/07	4,525.06	001492	EVERGREEN OIL INC.		11610	HAZ WASTE DISPOSAL	946.50	
						11611	HAZ WASTE DISPOSAL	3,355.56	
						11612	HAZ WASTE DISPOSAL	223.00	
21587	04/27/07	165.89	001800	THERMO KING OF SALINAS, INC		11709	REV VEH PARTS	165.89	
21588	04/27/07	15.00	001944	SANTA CRUZ COUNTY LAW LIBRARY		11613	QUARTERLY MIN CHARGE	15.00	
21589	04/27/07	17,442.00	001976	SPORTWORKS NORTHWEST, INC.		11710	18 BIKE RACKS 17442	17,442.00	
21590	04/27/07	2,734.00	002035	BOWMAN & WILLIAMS		11614	TOPO OF BUS TRNARND	2,734.00	
21591	04/27/07	79.95	002063	COSTCO		11712	PHOTO PROC-OPS	38.08	
						11713	OFFICE SUPPLIES	18.67	
						11714	PHOTO PROC-OPS	23.20	
21592	04/27/07	556.69	002189	BUS & EQUIPMENT		11616	REV VEH PARTS/PT	157.09	
						11617	REV VEH PARTS/PT	177.38	
						11618	REV VEH PARTS/PT	222.22	
21593	04/27/07	156.92	002307	EWING IRRIGATION PRODUCTS		11615	REPAIRS/MAINTENANCE	156.92	
21594	04/27/07	69.44	002389	DARCO PRINTING	7	11711	OFFICE SUPPLIES	69.44	
21595	04/27/07	876.37	002504	TIFCO INDUSTRIES		11715	REV VEH PTS/SUPP	445.29	
						11716	REV PTS/SUPPLIES	93.60	
						11717	PARTS & SUPPLIES	337.48	
21596	04/27/07	64.00	002567	DEPARTMENT OF JUSTICE		11619	MAR FINGERPRINTS	64.00	
21598	04/27/07	4,867.25	002713	SANTA CRUZ AUTO TECH, INC.		11620	OUT REP REV VEH/PT	55.44	
						11621	OUT REP REV VEH/PT	49.00	
						11622	OUT REP REV VEH/PT	49.00	
						11623	OUT REP REV VEH/PT	49.00	
						11624	OUT REP REV VEH/PT	49.00	
						11625	OUT REP REV VEH/PT	49.00	
						11626	OUT REP REV VEH/PT	49.00	
						11627	OUT REP REV VEH/PT	49.00	
						11628	OUT REP REV VEH/PT	49.00	
						11629	OUT REP REV VEH/PT	49.00	
						11630	OUT REP REV VEH/PT	49.00	
						11631	OUT REP REV VEH/PT	49.00	
						11632	OUT REP REV VEH/PT	49.00	
						11633	OUT REP REV VEH/PT	272.86	
						11634	OUT REP REV VEH/PT	3,950.95	
21599	04/27/07	6,144.80	002805	TELEPATH CORPORATION		11718	APR MAINT	2,707.41	
						11719	MAINT/RPRS	3,244.25	
						11720	MAINT/RPRS	96.57	
						11721	MAINT/RPRS	96.57	

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21600	04/27/07	1,666.86	002814	CREATIVE BUS SALES, INC.		11635	REV VEH PARTS/PT	469.57	
						11636	REV VEH PARTS/PT	254.08	
						11637	REV VEH PARTS/PT	254.08	
						11638	REV VEH PARTS/PT	689.13	
21601	04/27/07	30,956.19	002829	VALLEY POWER SYSTEMS, INC.		11722	OUT RPR REV VEH	2,070.58	
						11723	ENGINE REBUILD	18,318.21	
						11724	ENGINE REBUILD	2,245.46	
						11725	OUT RPR REV VEH	3,609.73	
						11726	REV VEH PARTS	153.47	
						11727	OUT RPR REV VEH	4,558.74	
21602	04/27/07	627.00	002847	STATE OF CA-EDD		11639	PARADISE LEVY	627.00	
21603	04/27/07	150.00	002869	CSA AMERICA		11640	CNG TANK INSP. CERT.	150.00	
21604	04/27/07	87.50	002897	ERVIN, EUGENE		11728	BUS ANNOUNCE AUDIT	87.50	
21605	04/27/07	178.60	007	UNITED PARCEL SERVICE		11729	FRT OUT FLT	178.60	
21606	04/27/07	2,728.93	009	PACIFIC GAS & ELECTRIC		11641	3/16-4/13 RESEARCH	874.66	
						11642	2/10-4/9 KINGS VLG	1,854.27	
21607	04/27/07	69.59	013	MCI SERVICE PARTS, INC.		11730	REV VEH PARTS	69.59	
21608	04/27/07	140.00	014	CABRILLO COLLEGE		11643	FINGERPRINTING	60.00	
						11644	FINGERPRINTING	80.00	
21609	04/27/07	1,066.80	017	SUN MICROSYSTEMS, INC.		11645	4/1-6/30 SVCS	1,066.80	
21610	04/27/07	14,011.33	018	SALINAS VALLEY FORD SALES		11731	REV VEH PARTS	2,141.68	
						11732	REV VEH PARTS	4,650.37	
						11733	REV VEH PARTS	219.52	
						11734	REV VEH PARTS	1,762.48	
						11735	REV VEH PARTS	9,823.48	
						11736	REV VEH PARTS	78.14	
						11737	CREDIT MEMO	-2,307.81	
						11738	CREDIT MEMO	-2,356.53	
21611	04/27/07	320.91	020	ADT SECURITY SERVICES INC.		11646	MAY ALARMS	75.26	
						11647	MAY ALARMS	44.23	
						11648	MAY ALARMS	44.23	
						11649	MAY ALARMS	55.61	
						11650	MAY ALARMS	40.48	
						11651	MAY ALARMS	61.10	
21612	04/27/07	1,508.90	059	BATTERIES USA, INC.		11739	REV VEH PARTS	1,508.90	
21613	04/27/07	72.88	061A	REGISTER PAJARONIAN		11740	CLASS ADV-FLT	72.88	
21614	04/27/07	672.00	067	ROTO-ROOTER		11652	OUT RPR-BLD/GROUNDS	504.00	
						11653	OUT RPR-BLD/GROUNDS	168.00	
21615	04/27/07	265.19	068	UNITED LABORATORIES		11654	REPAIRS/MAINTENANCE	265.19	
21616	04/27/07	38.51	074	KENVILLE LOCKSMITHS	7	11741	REV VEH PTS/SUPP	19.53	
						11742	REV VEH PARTS	8.13	
						11743	REV VEH PARTS	10.85	
21617	04/27/07	1,101.99	075	COAST PAPER & SUPPLY INC.		11655	CLEANING SUPPLIES	97.37	
						11656	CLEANING SUPPLIES	42.25	
						11657	CLEANING SUPPLIES	894.58	
						11658	CLEANING SUPPLIES	67.79	
21618	04/27/07	325.49	079	SANTA CRUZ MUNICIPAL UTILITIES		11659	2/7-4/5 RESEARCH	321.52	
						11660	3/1-3/31 LANDFILL	3.97	
21619	04/27/07	484.51	083	THYSSENKRUPP ELEVATOR		11661	OUT REPAIR/EQUIP	484.51	
21620	04/27/07	191.90	115	SNAP-ON INDUSTRIAL		11744	EMPLOYEE TOOL	191.90	

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21621	04/27/07	2,920.78	117	GILLIG CORPORATION		11745	REV VEH PARTS	2,318.38	
						11746	REV VEH PARTS	250.59	
						11747	REV VEH PARTS	351.81	
21622	04/27/07	10.01	130	CITY OF WATSONVILLE UTILITIES		11662	3/1-4/1 RODRIGUEZ	10.01	
21623	04/27/07	660.22	135	SANTA CRUZ AUTO PARTS, INC.		11748	REV VEH PARTS/SUPP	660.22	
21624	04/27/07	1,458.90	148	ZEP MANUFACTURING COMPANY		11749	CLEANING SUPP	1,458.90	
21625	04/27/07	616.86	156	PRINT GALLERY, THE		11663	PRINT ROUTE STICKERS	616.86	
21626	04/27/07	652.16	170	TOWNSEND'S AUTO PARTS		11750	CLEANING SUPP/PTS	652.16	
21627	04/27/07	1,532.26	282	GRAINGER		11664	REPAIRS/MAINTENANCE	121.34	
						11665	PART/SAFETY SUPPLIES	189.30	
						11666	REPAIRS/MAINTENANCE	475.27	
						11667	REPAIRS/MAINTENANCE	237.64	
						11668	REPAIRS/MAINTENANCE	64.74	
						11669	REPAIRS/MAINTENANCE	94.57	
						11670	REPAIRS/MAINTENANCE	349.40	
21628	04/27/07	56.83	288	MUNCIE TRANSIT SUPPLY		11751	REV VEH PARTS	56.83	
21629	04/27/07	184.00	367	COMMUNITY TELEVISION OF		11671	TV COVERAGE 3/23 MTG	184.00	
21630	04/27/07	490.00	382	AIRTEC SERVICE		11672	REPAIRS/MAINTENANCE	490.00	
21631	04/27/07	3,599.11	432	EXPRESS PERSONNEL SERVICES		11752	FLT TEMP 3/19-3/30	1,262.48	
						11753	FLT TEMP 3/19-3/30	1,116.00	
						11754	FLT TEMP W/E 4/8/07	1,220.63	
21632	04/27/07	66.45	434	VERIZON WIRELESS		11673	WIRELESS PC CARD	66.45	
21633	04/27/07	94.21	436	WEST PAYMENT CENTER		11674	MAR ACCESS CHRGS	94.21	
21634	04/27/07	375.00	478	BEE CLENE	0	11675	CARPET/RIVER ST	375.00	
21635	04/27/07	573.73	480	DIESEL MARINE ELECTRIC, INC.		11755	REV VEH PARTS	573.73	
21636	04/27/07	387,658.31	502	CA PUBLIC EMPLOYEES'		11676	MAY MEDICAL INS	387,658.31	
21637	04/27/07	1,315.06	504	CUMMINS WEST, INC.		11756	REV VEH PARTS	1,197.87	
						11757	REV VEH PARTS	117.19	
21638	04/27/07	182.31	511	LUMINATOR		11758	OUT RPR REV VEH	182.31	
21639	04/27/07	131.36	580	BLOCK AND COMPANY, INC.		11759	OFFICE SUPPLIES	131.36	
21640	04/27/07	50.00	582	TOYOTA OF SANTA CRUZ		11760	OUT RPR OTH VEH	50.00	
21641	04/27/07	2,691.98	647	GFI GENFARE		11761	REV VEH PARTS	384.88	
						11762	REV VEH PARTS	2,307.10	
21642	04/27/07	1,065.30	733	CLAREMONT BEHAVIORAL SERVICES		11677	MAY EAP PREMIUM	1,065.30	
21643	04/27/07	650.00	764	MERCURY METALS		11678	OUT REP REV VEH/PT	650.00	
21644	04/27/07	560.00	852	LAW OFFICES OF MARIE F. SANG	7	11679	WORKERS COMP CLAIMS	64.00	
						11680	WORKERS COMP CLAIMS	224.00	
						11681	WORKERS COMP CLAIMS	128.00	
						11682	WORKERS COMP CLAIMS	144.00	
21645	04/27/07	3,000.00	874	SECNAP NETWORK SECURITY		11683	PART NETWRK SEC.AUD	3,000.00	
21646	04/27/07	1,360.00	878	KELLY SERVICES, INC.		11684	TEMP/FIN W/E 3/18	1,360.00	
21647	04/27/07	30.00	880	SEISINT, INC.		11686	PROF/TECH SVC/RISK	30.00	
21648	04/27/07	478.47	882	PRINT SHOP SANTA CRUZ		11763	PRINTING-OPS	433.00	
						11764	PRINTING-OPS	45.47	
21649	04/27/07	49.00	886	ALL PURE WATER		11765	OFFICE SUPPLIES	49.00	
21650	04/27/07	160.47	887	NEOPOST, INC		11685	4/9-6/30 MAINT AGMNT	160.47	
21651	04/27/07	1,634.06	909	CLASSIC GRAPHICS		11766	OUT RPR REV VEH	1,634.06	
21652	04/27/07	825.00	916	DOCTORS ON DUTY		11687	FEB/MAR DRUG TESTING	825.00	
21653	04/27/07	914.94	943	CLEAN BUILDING MAINTENANCE		11688	MAR JANITORIAL SVC	914.94	
21654	04/27/07	10.83	946	ACME AND SONS		11767	FENCE RENT-DUBOIS	10.83	

5-2.7



# GOVERNMENT TORT CLAIM

## RECOMMENDED ACTION

TO: Board of Directors

FROM: District Counsel

RE: Claim of: Downward, Jared  
Date of Incident: 04/10/07

Received: 04/11/07 Claim #: 07-0014  
Occurrence Report No.: MISC 07-05

In regard to the above-referenced Claim, this is to recommend that the Board of Directors take the following action:

- 1. Reject the claim entirely.
- 2. Deny the application to file a late claim.
- 3. Grant the application to file a late claim.
- 4. Reject the claim as untimely filed.
- 5. Reject the claim as insufficient.
- 6. Allow the claim in full.
- 7. Allow the claim in part, in the amount of \$ \_\_\_\_\_ and reject the balance.

By Margaret Gallagher  
Margaret Gallagher  
DISTRICT COUNSEL

Date: 4-17-07

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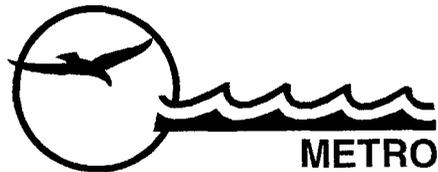
I, Cindi Thomas, do hereby attest that the above Claim was duly presented to and the recommendations were approved by the Santa Cruz Metropolitan Transit District's Board of Directors at the meeting of May 25, 2007.

By \_\_\_\_\_  
Cindi Thomas  
RECORDING SECRETARY

Date: \_\_\_\_\_

MG/lg  
Attachment(s)





**Agenda**  
**METRO Advisory Committee**  
6:00 pm  
May 16, 2007  
920 Pacific Avenue  
Santa Cruz, California

1. Roll Call
2. Agenda Additions/Deletions
3. Oral/Written Communication
4. Consideration of Minutes of April 2007
5. Ridership Report for March 2007
6. ParaCruz Operations Status Report for January 2007
7. Consideration of Proposed Modifications of METRO ParaCruz Service Eligibility Appeals Process Regulation
8. Discussion of Usage Rules for Park & Ride Facilities
9. Discussion of METRO Board of Directors Actions Regarding MAC Recommendations
10. Communications to METRO General Manager
11. Communications to METRO Board of Directors
12. Items for Next Meeting Agenda
13. Adjournment

Next Meeting: Wednesday, June 20, 2007 @ 6:00 pm  
Santa Cruz Metro Conference Room

54.1

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**Minutes - METRO Advisory Committee (MAC)**

**April 18, 2007**

A Regular Meeting of the METRO Advisory Committee (MAC) met on Wednesday, April 18, 2007 at the METRO Center Conference Room, 920 Pacific Avenue, Santa Cruz, CA.

Chair Robert Yount called the meeting to order at 6:07 p.m.

## 1. ROLL CALL:

### MEMBERS PRESENT

Naomi Gunther  
Paul Marcelin-Sampson, Vice Chair  
Mara Murphy  
Stuart Rosenstein  
Dave Williams  
Robert Yount, Chair

### VISITORS PRESENT

Steve Prince, UTU  
Karena Pushnik, SCCRTC

### MEMBERS ABSENT

Dan Alper  
Dennis Papadopulo  
Lesley Wright

### STAFF PRESENT

Ciro Aguirre, Operations Manager  
Mark Dorfman, Assistant General Manager  
Mary Ferrick, Base Superintendent  
Margaret Gallagher, District Counsel  
Les White, General Manager

## 2. AGENDA ADDITIONS/DELETIONS

None.

## 3. ORAL/WRITTEN COMMUNICATION

Oral: Vice Chair Paul Marcelin-Sampson gave a brief update of the Transportation Funding Task Force (TFTF) including meeting schedule and funding allocations.

Oral: Les White reported that on Monday, April 16<sup>th</sup>, 2007, Assembly Bill 1492 (Yield to Bus Program) was heard by the Assembly Transportation Committee and passed out of the Committee with a vote of 14 to 0. Mr. White gave a brief history of the bill including SCMTD's involvement and informed MAC that the bill met with no opposition, however, the California Highway Patrol reserves the right to speak against the bill at a future date. Mr. White then explained the schedule of events to come in order for the bill to become a law allowing SCMTD to reactivate the Yield to Bus lighted signs on the back of the Metro buses.

Oral: Chair Robert Yount quoted from an article from the "As You See It" letters to the editor section of the Friday, April 13, 2007 edition of *The Santa Cruz Sentinel* whereas the writer states; Bus drivers need to smile more. A copy of this article is attached to the file copy of these minutes.

Oral: Chair Robert Yount reported that MAC Member Lesley Wright has expressed her desire to resign from MAC and gave a brief history of Ms. Wright's involvement with SCMTD.

5-4.2

**4. CONSIDERATION OF MINUTES OF JANUARY 17, 2006**

Due to cancellation of the February and March MAC Meetings there were no minutes to consider for those meetings.

**ACTION: MOTION: DAVE WILLIAMS SECOND: NAOMI GUNTHER**

**ACCEPT AND FILE MINUTES OF THE JANUARY MEETING AS PRESENTED.**

**Motion passed unanimously with Dan Alper, Dennis Papadopulo and Lesley Wright being absent.**

**5. RIDERSHIP REPORT FOR DECEMBER 2006, JANUARY 2007 AND FEBRUARY 2007**

Les White reported that SCMTD Staff is in the process of revising the format of the Ridership Report to reflect the recommendations made by MAC.

Naomi Gunther stated that she recently experienced the occurrence of “pass-bys” while riding on Route 10 and inquired as to how these events are monitored and handled by SCMTD. Ciro Aguirre explained that the Metro buses have a capacity limit for safety reasons and that the Operators Manual has guidelines so the Operators know when to initiate and in turn notify dispatch of a pass-by. Mr. Aguirre stated that an additional Transit Supervisor would be assigned in the future to supply additional monitoring of the situation.

Les White reported that SCMTD is currently in the process of developing the Fall Service Level and that now is a good time for concerned parties to contact SCMTD and discuss known areas requiring services changes. Ciro Aguirre suggested that observations by MAC Members continue to be reported to SCMTD because it is a source that Operations can utilize to adjust service needs.

Vice Chair Paul Marcelin-Sampson suggested adding an indication flag to the Ridership Report reflecting excessive pass-bys on any given route.

Mara Murphy inquired about the Eco Pass and it's significance in ridership and if it is something that benefits Santa Cruz businesses. Ms. Murphy also asked why the Eco Pass statistics were lower in December. Mark Dorfman explained that the Eco Pass is a Valley Transportation Authority (VTA) program whereas employers purchase discounted Eco Pass stickers for all full-time employees at a given worksite (whether all the employees use the transit system or not), paying one low cost. Mr. Dorfman stated that SCMTD accepts the Eco Pass on the Highway 17 Express only and receives reimbursement from the VTA but that such a system is suited better for large companies in greater metropolitan areas such as San Jose and would not be cost effective for most Santa Cruz businesses. Mr. Dorfman explained possible alternatives that may be effective in Santa Cruz. Les White suggested the ridership drop in December could possibly be due to the holiday season.

**6. PARACRUZ OPERATIONS STATUS REPORT FOR OCTOBER, NOVEMBER AND DECEMBER, 2006**

Vice Chair Paul Marcelin-Sampson pointed out that beginning with the November 2006 report, Steve Paulson, SCMTD Paratransit Administrator, is including additional data, information and a table showing the percentages of trips outside the “ready window” including a breakdown of the amount of time the trips are outside the “ready window.” Mr. Marcelin-Sampson commented that in his interpretation of the additional information and comparison to previous reports ParaCruz is showing a constant improvement.

**7. DISCUSSION OF MAC ATTENDANCE**

Chair Robert Yount gave a brief history of his involvement SCMTD and MAC and stated that he keeps a binder containing the MAC Agendas, Minutes and additional information. Mr. Yount stated that he takes MAC very seriously and feels MAC is very important for public and transit rider representation to the SCMTD Board of Directors as well as to the community. He stated that MAC and SCMTD have worked very well together and have addressed and resolved several important issues.

Chair Robert Yount stated that having MAC Meetings cancelled due to lack of quorum, especially back to back, impedes progress and lessens MAC’s ability to be directly involved in transit issues and events, particularly time sensitive items. Mr. Yount encouraged MAC Members to be more involved in the local transit issues and suggested attending or watching a televised version of a SCMTD Board Meeting in order to be aware of the issues at hand and how the Board addresses them. Mr. Yount stated that he felt that acquiring knowledge of the transit system as a whole verses just specific items is a good way for MAC to make informed recommendations to the Board.

Les White stated that MAC has two (2) and possibly three (3) vacancies (in the event Lesley Wright resigns) in it’s membership and that this situation creates an additional challenge to make quorum. Mr. White reported that the Board Members with have been encouraged by Metro Staff to make nominations and in turn the Board to appoint new MAC members to fill the vacancies. Mr. White reinforced Chair Robert Yount’s comment regarding time sensitive issues and mentioned specific items that have passed and other items that are current and/or coming up in the near future.

Les White suggested to MAC to include as part of their discussion the possibility of a joint meeting with MAC the SCMTD Board of Directors to discuss and share information on the different aspects and operations of the two groups and how the interaction of the groups can best take place.

Paul Marcelin-Sampson reported that he had spoken with Metro Staff and that the concept of having the quorum requirement directly related to the number of active Members was a suggestion for consideration.

5-4.4

**ACTION: MOTION: STUART ROSENSTEIN SECOND: PAUL MARCELIN-SAMPSON**

**RECOMMEND TO THE BOARD OF DIRECTORS TO AMEND THE MAC BYLAWS, SECTION 5.4: QUORUM; VOTE, TO IDENTIFY A QUORUM FOR A MEETING AS A MAJORITY OF THE FILLED MEMBERSHIP POSITIONS WITH FOUR (4) MEMBERS BEING THE MINIMUM NUMBER FOR QUORUM.**

**Motion passed unanimously with Dan Alper, Dennis Papadopulo and Lesley Wright being absent.**

Stuart Rosenstein inquired as to the possibilities of encouragement to the BOD to fill the vacancies of the MAC Membership. Chair Robert Yount suggested that the MAC Members attend a Board Meeting and make requests during the public oral communications. Les White gave a brief explanation of the selection process and the possible desires of interest of the appointing Board Members as to what area of the community they would prefer to see as MAC representatives.

Les White suggested that MAC could make a recommendation to the BOD to revise the MAC bylaws to include transit passes for MAC Members as an incentive for applications and attendance.

**ACTION: MOTION: PAUL MARCELIN-SAMPSON SECOND: STUART ROSENSTEIN**

**RECOMMEND TO THE BOARD OF DIRECTORS TO MODIFY THE MAC BYLAWS, SECTION 2.2: MEMBERSHIP, BY ADDING A PROVISION TO ALLOW EACH MAC MEMBER THAT ATTENDS THE MONTHLY MEETING TO RECEIVE THREE (3) SYSTEM-WIDE DAY PASSES EACH MONTH.**

**Motion passed unanimously with Dan Alper, Dennis Papadopulo and Lesley Wright being absent.**

Stuart Rosenstein inquired as to the specific details of a joint meeting with MAC and the SCMTD Board of Directors as per Les White's earlier suggestion. Les White explained that it would be an annual meeting to be arranged in conjunction with SCMTD Staff, the Board and MAC to establish the time, date and subject matter of the meeting. Mr. White explained that the Agenda would also be a combined agenda to represent both groups.

**ACTION: MOTION: STUART ROSENSTEIN SECOND: NAOMI GUNTHER**

**RECOMMEND TO THE BOARD OF DIRECTORS TO CONSIDER HOLDING A JOINT MEETING OF THE BOARD OF DIRECTORS AND THE MAC IN JUNE 2007.**

**Motion passed unanimously with Dan Alper, Dennis Papadopulo and Lesley Wright being absent.**

**8. CONSIDERATION OF MAC MEMBER ABSENCE NOTIFICATION PROCEDURE**

Chair Robert Yount explained that recently SCMTD Staff has been contacting MAC Members trying to establish intended attendance when it was questionable if a quorum would be met. Mr. Yount asked if online correspondence would be an acceptable form of communication between SCMTD and MAC and then asked if all the Members present had access to online capabilities. Dave Williams stated that he did not have online access.

Naomi Gunther stated that she feels that as part of MAC Membership it should be a requirement that MAC Members notify SCMTD as soon as possible when they know they will not be able to attend a meeting. Ms. Gunther asked what the current policy was for missed meetings. Chair Robert Yount handed out a copy of the MAC bylaws, which is attached to the file copy of these minutes. Stuart Rosenstein inquired as to what the process was for reporting missed meetings.

Paul Marcelin-Sampson stated that currently the bylaws refer to missed meetings based on “unexcused” and “excused” absences but does not specifically describe the definitions of each nor do the bylaws specify notification procedure.

**ACTION: MOTION: PAUL MARCELIN-SAMPSON SECOND: STUART ROSENSTEIN**

**RECOMMEND TO THE BOARD OF DIRECTORS TO MODIFY THE MAC BYLAWS, SECTION 3.3: ABSENCES, BY ADDING VERBIAGE THAT IN THE EVENT OF A KNOWN ABSENCE TO AN UPCOMING MAC MEETING IT IS EXPECTED OF THE MAC MEMBER(S) TO CONTACT THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT FRONT OFFICE ADMINISTRATION STAFF BY PHONE AS SOON AS THE OCCURRING ABSENCE IS KNOWN AND NO LATER THAN 12:00 P.M. (NOON) ON THE DAY OF THE MEETING AND THAT FAILURE TO MAKE SAID CONTACT WILL CONSTITUTE AN UNEXCUSED ABSENCE UNLESS CIRCUMSTANCES RESTRICT SUCH CONTACT.**

**Motion passed unanimously with Dan Alper, Dennis Papadopulo and Lesley Wright being absent.**

**9. DISCUSSION OF PUBLIC PROMOTION OF MAC**

Chair Robert Yount referred to a brochure that is being produced that will be distributed to inform the public of the presence and purpose of MAC and to encourage participation with the Committee. Mr. Yount also stated that flyers were being displayed currently on the Metro buses.

Mara Murphy suggested contacting *The Santa Cruz Sentinel* and arranging to have a Member of MAC or someone familiar with MAC featured in the “People” section of the newspaper. Ms. Murphy passed around a current issue of the “People” section, which is attached to the file copy of these minutes.

**ACTION: MOTION: PAUL MARCELIN-SAMPSON SECOND: NAOMI GUNTHER**

**RECOMMEND TO BOARD TO APPROVE NEW MAC SIGNS ON BUSES, APPROVE A NEW MAC BROCHURE WITH SUGGESTED EDITING, APPROVE HIGHER VISABILITY OF MAC ON THE SCMTD WEBSITE HOMEPAGE INCLUDING A LISTING ON MONTHLY EVENTS, AND APPROVE TO ALLOW SCMTD STAFF TO PERSUE AVENUES TO PROMOTE MAC THROUGH LOCAL MEDIA**

**Motion passed unanimously with Dan Alper, Dennis Papadopulo and Lesley Wright being absent.**

**10. DISCUSSION OF MAC REPRESENTATION WITH SCCRTC / E&D TAC**

Chair Robert Yount asked if MAC would like to appoint a representative to the Elderly and Disabled Transportation Advisory Committee (E&D TAC). Vice Chair Paul Marcelin-Sampson described MAC's previous decision to have a MAC Member volunteer to attend the E&D TAC meeting in the role of spectator for a six month period and after that time MAC would decide whether to appoint a representative to E&D TAC as a voting member. Mr. Marcelin-Sampson suggested that MAC take no further action at this time.

Karena Pushnik, SCCRTC, reported that the role of E&D TAC serves as the social service advisory committee, which is required by state statute. Ms. Pushnik gave a brief description of the functions of the E&D TAC.

**11. CONSIDERATION OF PROPOSED MODIFICATIONS OF METRO PARACRUZ SERVICE ELIGIBILITY APPEALS PROCESS REGULATION**

Margaret Gallagher reported that SCMTD Staff is proposing modifications to the METRO's ParaCruz Eligibility and Appeals Process Regulations. Ms. Gallagher stated that she would report to the Board of Directors that more time is needed to allow MAC to review the Staff Report and that no changes be made until the documentation is presented to E&D TAC for their input. Ms. Gallagher stated that the majority of the modifications are fundamental updates and that no major changes are being proposed. Ms. Gallagher explained the purposes and advantages of the changes and how it would affect SCMTD and it's ridership.

**The meeting quorum was lost at this time due to the departure of Naomi Gunther**

**5-4:7**

**ADJOURN**

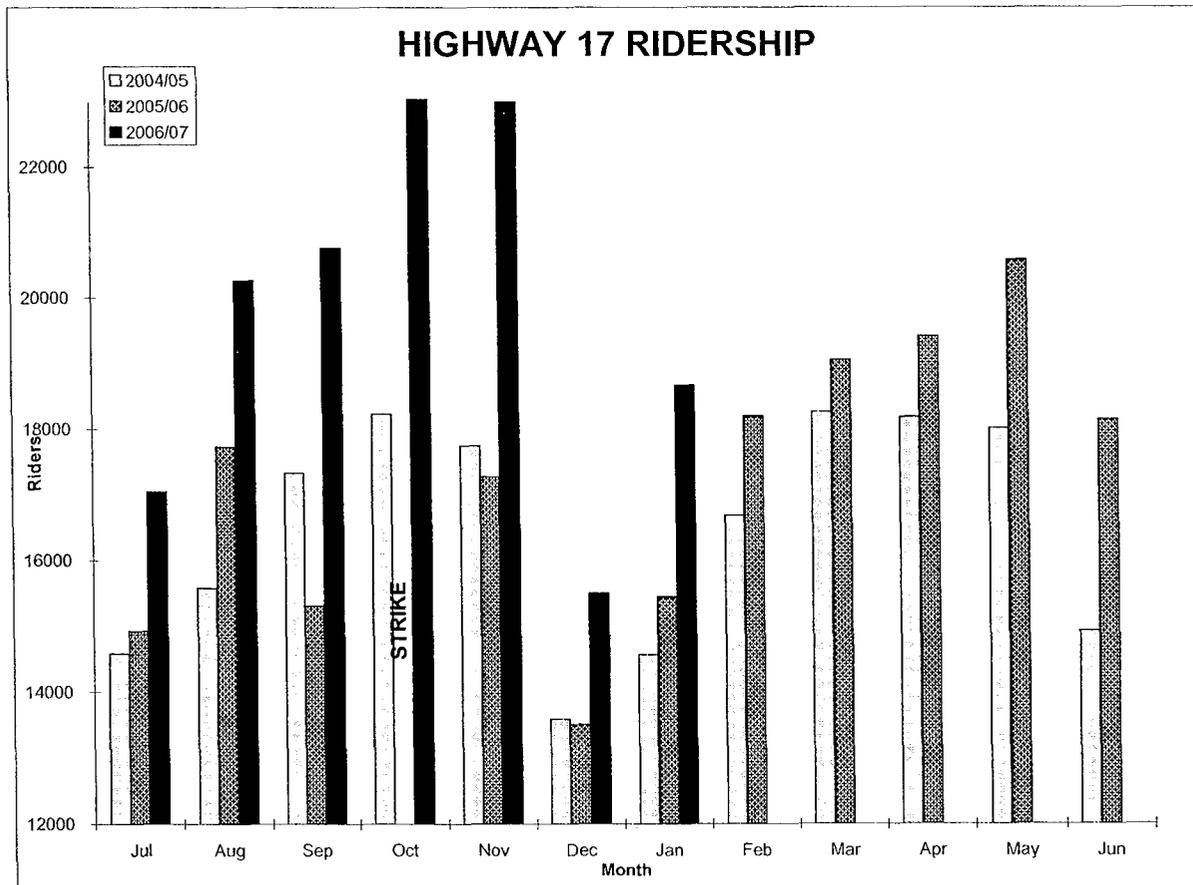
Due to the departure of Naomi Gunther, the meeting quorum was lost and Chair Robert Yount thanked everyone for participating and adjourned the meeting at 7:55 p.m.

Respectfully submitted,

DALE HAMILTON  
Administrative Assistant

# HIGHWAY 17 - JANUARY 2007

	JANUARY			YTD		
	This Year	Last Year	%	This Year	Last Year	%
<b>FINANCIAL</b>						
Cost	\$ 139,372	\$ 125,401	11.1%	\$ 939,354	\$ 694,187	35.3%
Farebox	\$ 62,780	\$ 52,794	18.9%	\$ 465,396	\$ 298,943	55.7%
Operating Deficit	\$ 64,244	\$ 61,633	4.2%	\$ 419,787	\$ 325,622	28.9%
Santa Clara Subsidy	\$ 32,122	\$ 30,816	4.2%	\$ 209,893	\$ 162,811	28.9%
METRO Subsidy	\$ 32,122	\$ 30,816	4.2%	\$ 209,893	\$ 162,811	28.9%
San Jose State Subsidy	\$ 471	\$ 383	22.9%	\$ 10,731	\$ 8,222	30.5%
AMTRAK Subsidy	\$ 11,876	\$ 10,590	12.1%	\$ 43,440	\$ 61,400	(29.3%)
<b>STATISTICS</b>						
Passengers	18,673	15,446	20.9%	139,378	94,200	48.0%
Revenue Miles	42,343	41,271	2.6%	287,687	236,353	21.7%
Revenue Hours	1,588	1,548	2.6%	10,789	8,865	21.7%
Passengers/Day	602	498	20.9%	648	529	22.5%
Passengers/Weekday	732	619	18.3%	799	669	19.5%
Passengers/Weekend	284	245	16.2%	322	240	34.1%
<b>PRODUCTIVITY</b>						
Cost/Passenger	\$ 7.46	\$ 8.12	(8.1%)	\$ 6.74	\$ 7.37	(8.5%)
Revenue/Passenger	\$ 3.36	\$ 3.42	(1.6%)	\$ 3.34	\$ 3.17	5.2%
Subsidy/Passenger	\$ 3.47	\$ 4.02	(13.7%)	\$ 3.09	\$ 3.54	(12.8%)
Passengers/Mile	0.44	0.37	17.8%	0.48	0.40	21.6%
Passengers/Hour	11.76	9.98	17.9%	12.92	10.63	21.6%
Recovery Ratio	45.0%	42.1%	7.0%	49.5%	43.1%	15.0%



# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**DATE:** May 25, 2007  
**TO:** Board of Directors  
**FROM:** Steve Paulson, Paratransit Administrator  
**SUBJECT: METRO PARACRUZ OPERATIONS STATUS REPORT**

## I. RECOMMENDED ACTION

**This report is for information only- no action requested**

## II. SUMMARY OF ISSUES

- METRO ParaCruz is the federally mandated ADA complementary paratransit program of the Transit District, providing shared ride, door-to-door demand-response transportation to customers certified as having disabilities that prevent them from independently using the fixed route bus.
- METRO assumed direct operation of paratransit services November 1, 2004.
- Operating Statistics and customer feedback information reported are for the month of February 2007.
- On time performance and operating efficiency continue to be impacted by widespread roadwork.
- A breakdown of pick-up times beyond the ready window is included.

## III. DISCUSSION

METRO ParaCruz is the federally mandated ADA complementary paratransit program of the Transit District, providing shared ride, door-to-door demand-response transportation to customers certified as having disabilities that prevent them from independently using the fixed route bus.

METRO began direct operation of ADA paratransit service (METRO ParaCruz) beginning November 1, 2004. This service had been delivered under contract since 1992.

Recently, there was discussion regarding ParaCruz on-time performance. It was noted that most statistical data continues to show improvement, the reported percentage of pick ups performed within the "ready window" has remained relatively consistent, hovering at roughly 90%. There was a request for staff to provide a break down the pick-ups beyond the "ready window".

5-6.1

The table below displays the percentage of pick-ups within the “ready window” and a breakdown in 5-minute increments for pick-ups beyond the “ready window”.

	<b>February 2006</b>	<b>February 2007</b>
Total pick ups	6360	6277
<b>Percent in “ready window”</b>	<b>91.29%</b>	<b>90.68%</b>
1 to 5 minutes late	2.75%	3.07%
6 to 10 minutes late	2.06%	2.74%
11 to 15 minutes late	1.31%	1.29%
16 to 20 minutes late	.82%	.80%
21 to 25 minutes late	.58%	.70%
26 to 30 minutes late	.36%	.32%
31 to 35 minutes late	.24%	.21%
36 to 40 minutes late	.25%	.08%
41 or more minutes late (excessively late/missed trips)	.04%	.01%
<b>Total beyond “ready window”</b>	<b>8.71%</b>	<b>9.32%</b>

During the month of February, sixteen (16) service complaints and nine (9) compliments were received. Five (5) of the complaints were found to be “not valid”. Two (2) complaints could not be verified (he said/she said). Four (4) of the valid service complaints was related to a late pick-up, one (1) related to driver conduct, three (3) as a result of booking errors and one (1) related to a ParaCruz vehicle blocking a driveway while boarding the customer from the mobile home next door.

5-6.2

**Comparative Operating Statistics This Fiscal Year, Last Fiscal Year through February**

	<b>February 06</b>	<b>February 07</b>	<b>Fiscal 06 YTD</b>	<b>Fiscal 07 YTD</b>
Requested	7,419	7,367	64,227	61,981
Performed	6,360	6,277	55,537	54,442
Cancels	20.62%	20.05%	19.65%	19.02%
No Shows	3.33%	3.11%	3.61%	2.99%
Total miles	45,879	43,976	431,004	377,290
Av trip miles	5.12	5.05	5.69	5.05
Within ready window	91.29%	90.68%	91.15%	90.53%
Excessively late/missed trips	22	8	153	105
Call center volume	5,692	5,424	50,319	46,651
Call average seconds to answer	23	23	28	23
Hold times less than 2 minutes	95%	96%	92%	96%
Distinct riders	770	742	1,654	1,537
Most frequent rider	47	55	351	346
Shared rides	63.5%	62.5%	62.0%	65.9%
Passengers per rev hour	1.54	1.87	1.56	1.75
Rides by supplemental providers	3.21%	7.26%	8.91%	8.57%
SCT cost per ride	\$22.78	\$24.88	\$23.10	\$23.90
ParaCruz driver cost per ride (estimated)	\$24.87	\$26.95	\$24.46	\$25.69
Rides < 10 miles	79.63%	81.75%	79.75%	82.25%
Rides > 10	20.36%	18.25%	20.26%	17.75%

**IV. FINANCIAL CONSIDERATIONS**

NONE

**V. ATTACHMENTS**

NONE

5-6.3

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**DATE:** May 25, 2007

**TO:** Board of Directors

**FROM:** Mark J. Dorfman, Assistant General Manager

**SUBJECT:** UNIVERSITY OF CALIFORNIA – SANTA CRUZ SERVICE UPDATE

## I. RECOMMENDED ACTION

**This report is for information purposes only. No action is required**

## II. SUMMARY OF ISSUES

- Student trips for March 2007 decreased by (3.7%) versus March 2006.
- Faculty / staff trips for March 2007 decreased by (10.4%) versus March 2006.
- Revenue received from UCSC for March 2007 was \$210,516 versus \$196,377 for March 2006, an increase of 7.2%.

## III. DISCUSSION

UCSC Fall instruction began on September 21, 2006. A summary of the results for November 2006 is:

- Student billable trips for regular service in March 2007 were 185,966 versus 193,134 for March 2006, a decrease of (3.7%).
- Faculty / Staff billable trips for regular service in March 2007 were 16,651 versus 18,587 for March 2006, a decrease of (10.4%).
- Student billable trips for Route 20 Supplemental service in March 2007 were 8,175. This service did not operate in March 2007
- Faculty / Staff billable trips for Route 20 Supplemental service in March 2007 were 326. This service did not operate in March 2007
- Student billable trips for the Night Owl service in March 2007 were 4,139 versus 3,420 for March 2006, an increase of 21.0%
- Faculty / Staff billable trips for Night Owl service in March 2007 were 25 versus 54 for March 2006, a decrease of (53.7%).

5-7.1

- Average student billable trips per school term day for all UC Service in March 2007 were 9,690.8 versus 9,743.7 for March 2006, a decrease of (0.5%).
- Average Faculty / Staff billable trips *per weekday* for all UC service in March 2007 were 690.7 versus 747.0 for March 2006, a decrease of (7.5%).

<b>March</b>	Student Ridership	Faculty/Staff Ridership	Average Ridership <i>Per School Term Day</i> - Student	Average Ridership <i>Per Weekday</i> - Faculty / Staff
Regular Service	173,652	16,300	9,067.8	675.3
Supplemental	8,175	326	510.9	14.5
Night Owl	4,139	25	112.1	0.9
<b>2007 Total</b>	<b>185,966</b>	<b>16,651</b>	<b>9,690.8</b>	<b>690.7</b>
2006	193,134	18,587	9,743.7	747.0
Monthly Increase-(Decrease)	(3.7%)	(10.4%)	(0.5%)	(7.5%)

**IV. FINANCIAL CONSIDERATIONS**

NONE

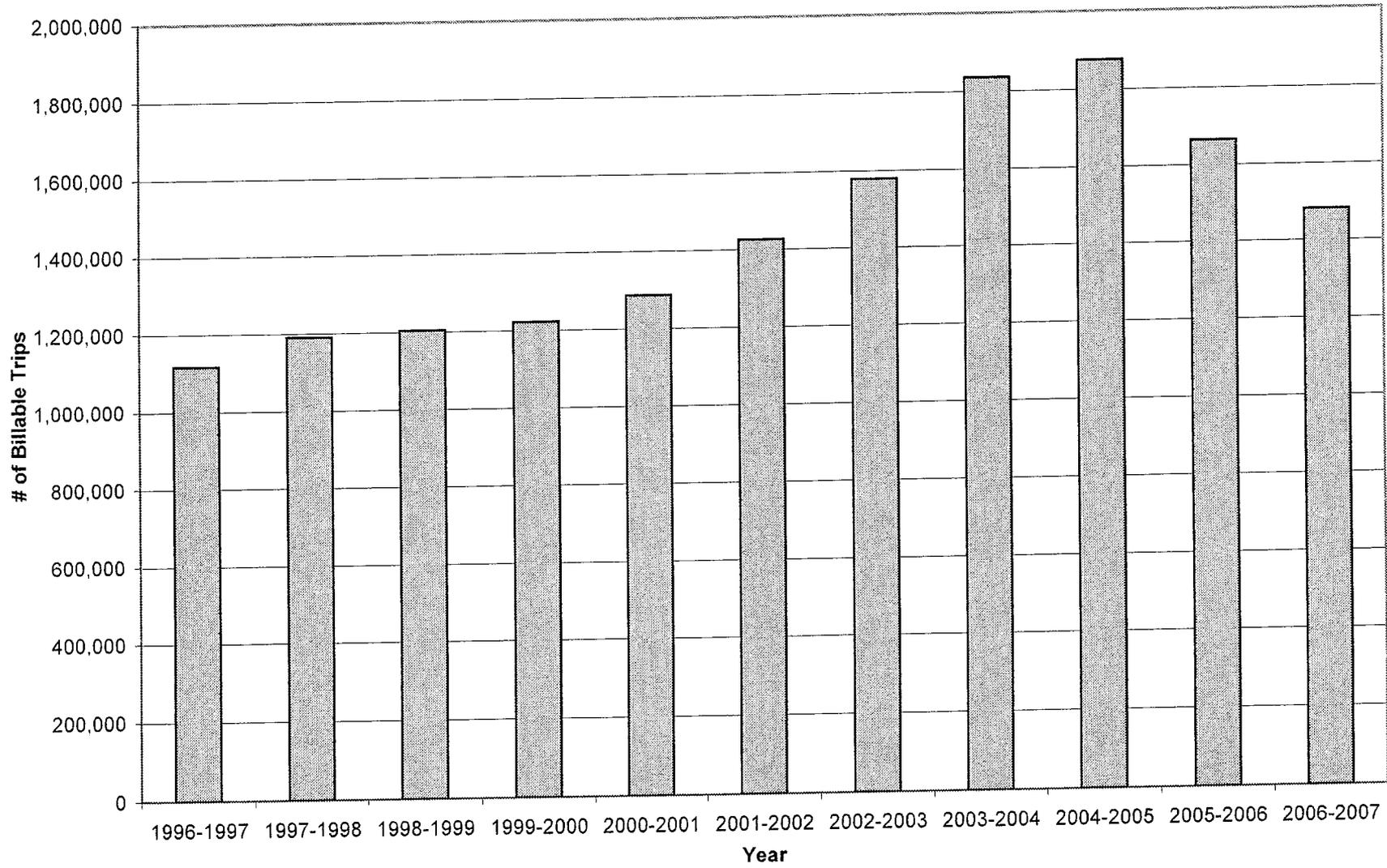
**V. ATTACHMENTS**

**Attachment A: UC Student Billable Trips**

**Attachment B: UCSC Faculty / Staff Billable Trips**

5-7.2

### UCSC Student Billable Trips

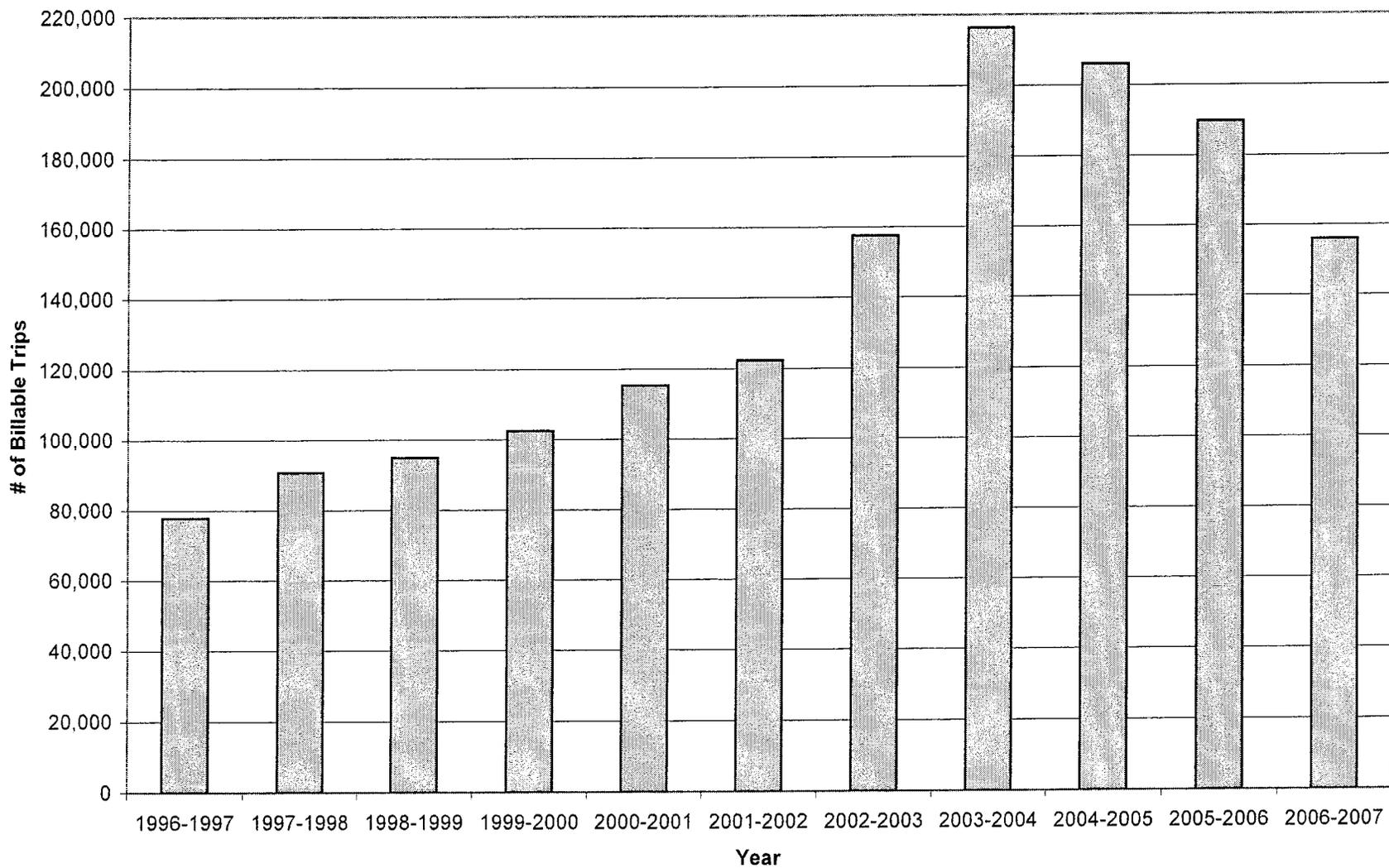


5-7.21

Attachment A

5-7.61

### UCSC Faculty / Staff Billable Trips



Attachment B

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**DATE:** May 25, 2007  
**TO:** Board of Directors  
**FROM:** Frank L. Cheng, Project Manager  
**SUBJECT:** CONSIDERATION OF METROBASE STATUS REPORT

## I. RECOMMENDED ACTION

**That the Board of Directors accept and file the MetroBase Status Report.**

## II. SUMMARY OF ISSUES

- Service Building work
  - Arntz Builders completing storm drain connection.
  - Arntz Builders continuing work for internal items to the building and layout for retaining wall.
  - PG&E and AT&T is corresponding their work with Arntz Builders.
- Maintenance Building
  - West Bay Builders continuing site work on 120 Golf Club Drive property

## III. DISCUSSION

Service & Fueling Building work is continuing on 1122 River Street. Granite Construction, a subcontractor to Arntz Builders, is completing storm drain connection for work the site. Arntz Builders is working on bus wash system and internal item installation for the Service & Fueling Building. PG&E and AT&T is corresponding their work with Arntz Builders. PG&E will be connecting the gas and electrical connections to site. They will also relocate the power pole location on the site. AT&T is connecting phone service to site. All parties are coordinating schedules.

West Bay Builders is continuing site work on 120 Golf Club Drive property. West Bay Builders have been digging into the foundation to set up the foundation for the inspection pits for the two drive-through bays in the Maintenance Building. Rebar was installed and concrete poured for the pit area. Surrounding foundation and site work is continuing. Site will be graded for lay down of a casting bed for the tilt up walls.

Information for the MetroBase Project can be viewed at <http://www.scmtd.com/metrobase>  
Information on the project, contact information, and MetroBase Hotline number (831) 621-9568 can be viewed on the website.

5-8.1

New updates on the MetroBase Project:

- Arntz Builders is completing storm drain connection.
- PG&E and AT&T is corresponding their work with Arntz Builders.
- West Bay Builders continuing site work on 120 Golf Club Drive property.

Previous information regarding the MetroBase Project:

A. Service & Fueling Building (IFB 05-12)

- On January 26, 2007, Board of Directors went on a tour of the MetroBase Project.
- Received Caltrans Encroachment Permit. Work continuing.
- Department of Fish&Game approved work on outfall construction completed.
- Concrete work for floor foundation area complete.
- Concrete work for LNG pad and containment area completed.
- Concrete Driven Piles completed end of May 2006.
- Arntz Builders trailer and containers installed adjacent to 1122 River Street
- Public Outreach Newsletter sent to areas possibly affected by construction.
- Notice to Proceed issue effective January 9, 2006 with 365 calendar day construction period.
- Weekly Construction Meetings

B. Maintenance Building (IFB 06-01)

- On November 20, 2006, METRO received signed copies of IFB 06-01 from West Bay Builders including agreement to Labor Harmony provisions included in award letter.
- IFB 06-01 Maintenance Building awarded to West Bay Builders for \$15,195,000 contingent upon Labor Harmony provision in award letter.
- Invitation For Bid 06-01 available at Watsonville BluePrint. Pre-Bid Conference scheduled for September 6, 2006 at 110 Vernon Street, Suite B, Santa Cruz, CA. IFB 06-01 Bid due on October 17, 2006 at 2:00 pm.
- Construction schedule set to 32 months
- RNL contract modified for added Maintenance Building scope
- Harris & Associates contract modified for added Maintenance Building scope.
- Weekly Construction Meetings.

#### IV. FINANCIAL CONSIDERATIONS

Funds for the construction of the Service & Fueling, and Maintenance Building Components of the MetroBase Project are available within the funds the METRO has secured for the Project.

5-8.2

**V. ATTACHMENTS**

**Attachment A: None**

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**DATE:** May 25, 2007  
**TO:** Board of Directors  
**FROM:** Tom Stickel, Manager of Maintenance  
**SUBJECT:** **CONSIDERATION OF CONTRACT EXTENSION WITH NATIONWIDE AUCTION SYSTEMS FOR AUCTION SERVICES**

## I. RECOMMENDED ACTION

**District staff is recommending that the Board of Directors authorize the General Manager to execute an amendment to the contract with Nationwide Auction Systems for auction services to extend the term of the contract for one (1) additional year.**

## II. SUMMARY OF ISSUES

- The District entered into a contract with Nationwide Auction Systems on June 1, 2006 for auctioning services of the District's surplus vehicles and equipment.
- At the option of the District, this contract may be renewed upon mutual written consent.
- Nationwide Auction Systems has indicated that they are interested in extending the contract an additional one-year period to May 31, 2008.

## III. DISCUSSION

The contract with Nationwide Auction Systems for auctioning services of the District's surplus vehicles and equipment is due to expire on May 31, 2007. The original contract was for a one-year term and four additional one-year options. Nationwide Auction Systems is a leading heavy equipment auctioneer service that has contracts with several transit agencies, local governmental agencies and large utility companies. This company has an international customer base for notifying bidders when District surplus vehicles are up for auction.

Nationwide Auction Systems has provided good service under this contract. An extension of the contract would be favorable to the District. Section 3.02 of the contract also allows the District to renew the contract upon mutual written consent. Nationwide Auction Systems has also reviewed the contract and has indicated their desire to extend the contract for one additional year with no changes. It is recommended that the Board of Directors authorize the General Manager to execute an amendment to the contract with Nationwide Auction Systems to extend the contract one (1) additional year.

5-9.1

**IV. FINANCIAL CONSIDERATIONS**

No funds are expended under this contract. District receives ninety (90) percent of the proceeds from the sale of District surplus vehicles and eighty (80) percent of the proceeds from the sale of miscellaneous District surplus equipment.

**V. ATTACHMENTS**

**Attachment A:** Letter from Nationwide Auction Systems

**Attachment B:** Contract Amendment

5-9.2



April 30, 2007

**Mr. Lloyd Longnecker**  
**Purchasing Agent**  
**Santa Cruz Metropolitan Transit District**  
**110 Vernon Street, Ste. B**  
**Santa Cruz, Ca. 95060**

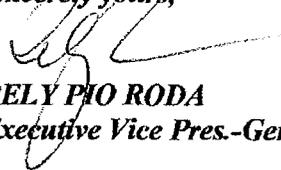
*Dear Lloyd:*

**RE: Contract Extension for Auctioneering Services No. 05-23**

***In connection with the above-referenced contract, please be informed that we are in agreement to extend the contract under the same terms and conditions.***

***Thank you very much again for the trust and confidence you have accorded our organization and be rest assured of the exemplary service we customarily provide and at the same time realize top dollar return from the sale of your surplus assets.***

*Sincerely yours,*

  
**RELY PIO RODA**  
**Executive Vice Pres.-General Manager**

*Encl. a/s*

Northern California Facility

1 Oak Road, Benicia, CA 94510

Office: (707) 745-0119

Fax: (707) 745-0240

**Additional U.S. Locations:**

• City of Industry, CA

• Kansas City, MO

• St. Louis, MO

• Atlanta GA

5-9.21

**SANTA CRUZ METROPOLITAN TRANSIT DISTRICT  
FIRST AMENDMENT TO CONTRACT FOR AUCTION SERVICES**

This First Amendment to Contract for auction services is made effective June 1, 2007 between the Santa Cruz Metropolitan Transit District, a political subdivision of the State of California (“District”) and Nationwide Auction Services (“Contractor”).

I. RECITALS

- 1.1 District and Contractor entered into a Contract for auction services (“Contract”) on June 1, 2006.
- 1.2 The Contract allows for the extension upon mutual written consent.

Therefore, District and Contractor amend the Contract as follows:

II. TERM

- 2.1 Article 3.02 is amended to include the following language:

This Contract shall continue through May 31, 2008. This Contract may be mutually extended by agreement of both parties.

III. REMAINING TERMS AND CONDITIONS

- 3.1 All other provisions of the Contract that are not affected by this amendment shall remain unchanged and in full force and effect.

IV. AUTHORITY

- 4.1 Each party has full power to enter into and perform this First Amendment to the Contract and the person signing this First Amendment on behalf of each has been properly authorized and empowered to enter into it. Each party further acknowledges that it has read this First Amendment to the Contract, understands it, and agrees to be bound by it.

SIGNATURES ON NEXT PAGE

5-9.61

Signed on \_\_\_\_\_

DISTRICT  
SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

---

Leslie R. White  
General Manager

CONTRACTOR  
NATIONWIDE AUCTION SYSTEMS

By \_\_\_\_\_  
Rely Pio Roda  
Executive Vice President, General Manager

Approved as to Form:

---

Margaret R. Gallagher  
District Counsel

5-9.62

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**DATE:** May 25, 2007  
**TO:** Board of Directors  
**FROM:** Tom Stickel, Manager of Maintenance  
**SUBJECT:** **CONSIDERATION OF CONTRACT EXTENSION WITH FOLGER GRAPHICS FOR GRAPHIC DESIGN SERVICES FOR HEADWAYS**

## I. RECOMMENDED ACTION

**District staff is recommending that the Board of Directors authorize the General Manager to execute an amendment to the contract with Folger Graphics for graphic design services for Headways, to extend the term of the contract for one (1) additional year.**

## II. SUMMARY OF ISSUES

- The District entered into a contract with Folger Graphics for graphic design and print coordination services for the production of Headways on July 1, 2003.
- At the option of the District, this contract may be renewed for four (4) additional one-year terms under the same terms and conditions.
- Folger Graphics has indicated that they are interested in extending the contract for an additional year with no change in the rate of compensation.

## III. DISCUSSION

The District's current contract with Folger Graphics for graphic design and print coordination services for the production of Headways is due to expire on June 30, 2007. An extension of the contract would be advantageous to the District. Section 4.01 of the contract allows the District the option to renew the contract for four (4) additional one-year terms. Folger Graphics has also reviewed the contract and has indicated their desire to extend the contract one additional year with no change in the rate of compensation. It is recommended that the Board of Directors authorize the General Manager to execute a fourth amendment to the contract with Folger Graphics to extend the contract one (1) more additional year with no change in the rate of compensation.

## IV. FINANCIAL CONSIDERATIONS

Funds are available in the Customer Service budget for this amendment. Annual budget for these services is \$35,000.

54101

**V. ATTACHMENTS**

**Attachment A:** Letter from Folger Graphics

**Attachment B:** Fourth Amendment to Contract 02-15 with Folger Graphics

5-10-2



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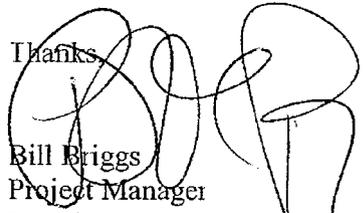
May 2, 2007

Lloyd Longnecker  
Purchasing Agent  
Santa Cruz Metropolitan Transit District  
110 Vernon Street, Suite B  
Santa Cruz, California 95060

Greetings Lloyd:

This is a letter of intent to renew the contract for graphic design services for Headways  
No 02-15

Please let me know what else you need

Thanks  
  
Bill Briggs  
Project Manager  
E-mail: [billbriggs@folgergraphics.com](mailto:billbriggs@folgergraphics.com)  
Office: 510-887-5656x104 / cell: 510-329-0983

RECEIVED  
2007 MAY -4 AM 8:31  
SANTA CRUZ METRO  
TRANSIT DISTRICT



5-10.a1

**SANTA CRUZ METROPOLITAN TRANSIT DISTRICT  
FOURTH AMENDMENT TO CONTRACT NO. 02-15  
FOR GRAPHIC DESIGN AND PRINT COORDINATION SERVICES**

This Fourth Amendment to Contract No. 02-15 for graphic design and print coordination services is made effective July 1, 2007 between the Santa Cruz Metropolitan Transit District, a political subdivision of the State of California (“District”) and Folger Graphics (“Contractor”).

I. RECITALS

- 1.1 District and Contractor entered into a Contract for graphic design and print coordination services (“Contract”) on July 1, 2003.
- 1.2 The Contract allows for the extension upon mutual written consent.

Therefore, District and Contractor amend the Contract as follows:

II. TERM

- 2.1 Article 4.01 is amended to include the following language:

This Contract shall continue through June 30, 2008. This Contract may be mutually extended by agreement of both parties.

III. REMAINING TERMS AND CONDITIONS

- 3.1 All other provisions of the Contract that are not affected by this amendment shall remain unchanged and in full force and effect.

IV. AUTHORITY

- 4.1 Each party has full power to enter into and perform this Fourth Amendment to the Contract and the person signing this Fourth Amendment on behalf of each has been properly authorized and empowered to enter into it. Each party further acknowledges that it has read this Fourth Amendment to the Contract, understands it, and agrees to be bound by it.

SIGNATURES ON NEXT PAGE

5-10.61

Signed on \_\_\_\_\_

DISTRICT  
SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

---

Leslie R. White  
General Manager

CONTRACTOR  
FOLGER GRAPHICS

By \_\_\_\_\_  
Linda Torre  
Vice President of Administration

Approved as to Form:

---

Margaret R. Gallagher  
District Counsel

5-10.62

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**DATE:** May 25, 2007  
**TO:** Board of Directors  
**FROM:** Steve Paulson, Paratransit Administrator  
**SUBJECT: CONSIDERATION OF ON-TIME PERFORMANCE STANDARDS FOR METRO PARACRUZ AND PEER ADA PARATRANSIT SERVICES**

## I. RECOMMENDED ACTION

**This report is for information only- no action requested**

## II. SUMMARY OF ISSUES

- METRO ParaCruz is the federally mandated ADA complementary paratransit program of the Transit District, providing shared ride, door-to-door demand-response transportation to customers certified as having disabilities that prevent them from independently using the fixed route bus.
- METRO assumed direct operation of paratransit services November 1, 2004.
- Members of the Board have expressed interest in more information regarding ParaCruz on-time performance and how that compares to other peer agencies.

## III. DISCUSSION

METRO ParaCruz is the federally mandated ADA complementary paratransit program of the Transit District, providing shared ride, door-to-door demand-response transportation to customers certified as having disabilities that prevent them from independently using the fixed route bus.

METRO began direct operation of ADA paratransit service (METRO ParaCruz) beginning November 1, 2004. This service had been delivered under contract since 1992.

Recently, there was discussion regarding ParaCruz on-time performance. Although it was noted that most statistical data continues to show improvement, the reported percentage of pick ups performed within the "ready window" has remained relatively consistent, hovering near 90%.

On-time performance data and expectations are not readily available for all other local systems. Systems of comparable size to ParaCruz do not typically report and post their performance statistics on the Internet.

5-11.1

It is important to note that there is not a consistent definition of what is “on-time”, nor does a universal measure of that number exist. One system identifies “late trips” based on reports from customers of late pick ups.

ParaCruz on-time performance is currently within industry standards. Staff continues to strive for improvement in timely pick ups. Staffing and procedural adjustments have been made in efforts to reduce the frequency of late pick ups.

Numerous factors impact on-time performance: traffic delays from road construction and accidents, customers not ready at their pick up time, oversized mobility devices, the limitations of the current fleet make up (85% minivans), scheduling, dispatch and/or driver errors and limitations of the current communication system all contribute to delays.

Information provided here is intended to illustrate the range of data reported by a number of ADA paratransit services:

Orange County Transportation Authority (OCTA) ACCESS has a contractual standard of 94% on-time performance. The previous vendor reported 91% on-time. After a new vendor assumed operation in July, 2006, performance has been inconsistent, ranging from 86% to 92%.

San Mateo Transit (Redi-Wheels) sets a standard of 90% within their “ready window”, with reported performance of 89% monthly average between October '05 and October '06.

The table below is part of a performance evaluation performed by the consulting firm Nelson/Nygaard and associates for Access Services, a major provider of ADA paratransit service in Southern California. This report was released in August, 2005.

Transit System	How is "on-time" defined?	How measured (where does data come from)?	Reported on-time performance
Boston	0 to 30	Driver manifests - new contracts are adding MDTs and AVL	98.7% (94.8% 0 to 15)
Chicago	0 to 20 Will call trips: 0 to 60	MDTs for 1 contractor and driver manifests for 2 contractors	89.10%
Dallas	0 to 20	MDTs	87.50%
Houston	0 to 15	MDTs	84.20%
Minneapolis-St. Paul	95% 0 to 30	Paper manifests from drivers	96.5%
New Jersey Transit	- 20 to +20	MDTs	96.57%
New York City	0 to 30	Not available	Not available
Portland Tri-Met	90% -5 to +30	MDTs	92%

5-11.2

Santa Clara VTA	95% 0 to 40	Calls from customers about late pick-ups	99.05%
King County Metro	90% within 30 minute window	Data from Trapeze software	90.60%
Washington D.C	-15 to +15 b	Contractor's monthly operating reports and driver's manifests	94.00%
Los Angeles	90% 0 to 20	MDTs	89.10%

**IV. FINANCIAL CONSIDERATIONS**

NONE

**V. ATTACHMENTS**

NONE

5-11.3

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**DATE:** May 25, 2007

**TO:** Board of Directors

**FROM:** Leslie R. White, General Manager

**SUBJECT: CONSIDERATION OF AMENDING THE MAC BYLAWS TO:  
MODIFY SECTION 3.3 TO REQUIRE THAT MAC MEMBERS NOTIFY  
METRO BY NOON (12:00) OF THE DAY OF A MEETING IF THEY  
KNOW AT THAT TIME THAT THEY ARE GOING TO BE ABSENT.**

## I. RECOMMENDED ACTION

**That the Board of Directors approve the MAC recommendations to amend Sections 3.3 of the MAC Bylaws to require that MAC Members notify the METRO Front Office by Noon (12:00) of the day of a MAC Meeting if they know at that time that they are going to be absent and to treat an absence without such notification as unexcused.**

## II. SUMMARY OF ISSUES

- On December 19, 2003 the Board of Directors approved the creation and structure of the Metro Advisory Committee (MAC).
- Each member of the Board nominated the name of an individual that they wanted to appoint for membership on the MAC.
- The MAC has been meeting regularly since its inception.
- Recently two consecutive meetings have been cancelled due to a lack of a quorum.
- On Wednesday April 18, 2007 the MAC met to discuss the quorum deficiency issue and to evaluate the impact on the ability of the MAC to provide timely advice on current issues facing METRO.
- On April 18, 2007 the MAC voted to recommend that the Board of Directors amend the current MAC Bylaws to provide a requirement that MAC Members notify the METRO Front Office by Noon (12:00) of the day of the MAC Meeting if they know that they are going to be absent and to treat an absence without such notification as unexcused.

## III. DISCUSSION

On December 19, 2003 the Board of Directors approved the creation, structure, and bylaws of the Metro Advisory Committee (MAC). As the Board of Directors approved the MAC Bylaws The Board of Directors must also approve any amendments to the Bylaws.

5-12.1

The MAC has been meeting regularly since its inception with good attendance. Recently, however, two consecutive meetings have been cancelled due to the lack of a quorum. Part of the quorum problem, results from the existence of two vacancies on the MAC. The Members of the MAC are concerned that the lack of a quorum at the meetings makes it difficult to provide advice to the Board of Directors and METRO staff members on a timely basis.

On Wednesday April 18, 2007 the MAC met to discuss the quorum deficiency issue and to evaluate the impact on the ability of the MAC to provide timely advice on current issues facing METRO. As a result of the discussions, the MAC voted to recommend that the Board of Directors amend Section 3.3 of the current MAC Bylaws to provide that MAC Members that know in advance that they are going to be absent from a meeting notify the METRO Front Office no later than Noon (12:00) of the day of the Meeting. The MAC also voted to recommend that Section 3.3 of the Bylaws be amended to provide that where an absence is known in advance and there is not a notification by Noon (12:00) of the day of the MAC Meeting such absence shall be considered unexcused.

#### **IV. FINANCIAL CONSIDERATIONS**

The modification to the MAC Bylaws that is recommended by the MAC will not have a financial impact on the METRO Operating or Capital Budget.

#### **V. ATTACHMENTS**

- Attachment A:** Metro Advisory Committee Bylaws  
**Attachment B:** Proposed amendments to Section 3.3

5-12.2

**Drafted for 9/26/03**  
**Revised for 10/24/03**  
**Revised for 12/19/03**  
**Amended/Adopted 12/19/03**  
**Amended/ Adopted 7/23/04**  
**Amended/ Adopted 6/23/06**

## **BYLAWS FOR THE METRO ADVISORY COMMITTEE**

### **Article I** **GENERAL PROVISIONS**

#### **§1.1 Purpose**

These Bylaws govern the proceedings of the METRO Advisory Committee (MAC), an advisory committee established by the Board of Directors of the Santa Cruz Metropolitan Transit District (METRO).

#### **§1.2 Construction of Bylaws**

As used in these Bylaws, "Committee" means the METRO Advisory Committee. These Bylaws shall govern the Committee's proceedings to the extent they are not inconsistent with METRO Regulations or California or United States Statutes. These Bylaws become effective upon approval by the METRO Board of Directors

#### **§1.3 Definitions**

- a. As used in these Bylaws, "chair" means the Chair of the Committee.
- b. As used in these Bylaws, "vice chair" means the Vice Chair of the Committee.
- c. As used in these Bylaws "staff" means staff members that are assigned to support the Committee by the METRO Secretary/General Manager.

**Article II**  
DUTIES AND AUTHORITY

**§2.1 Duties**

It shall be the duty of the Committee to provide advice to the Board of Directors on matters of METRO policy and operations referred to the Committee by the Board or Secretary/General Manager and to perform such additional duties as assigned by the Board. The Committee may also address issues which members or the public raise with respect to the quantity and quality of services provided by METRO.

**§2.2 Limitations on Authority**

The sole jurisdiction and authority of the Committee is to serve in an advisory capacity to the Board of Directors. It shall not have any authority to take actions that bind METRO or the Board of Directors. Communications by the Committee shall be to and through the Board of Directors. No individual member of the Committee shall be entitled to compensation from METRO and any reimbursement for travel or other expenses shall receive specific prior authorization by the Board of Directors.

**Article III**  
MEMBERSHIP

**§3.1 Membership**

The Committee shall be composed of 11 members appointed by the Board of Directors as follows:

Each member of the METRO Board of Directors shall nominate 1 individual to serve as members of the METRO Advisory Committee. Appointments to the METRO Advisory Committee shall be made by the METRO Board of Directors.

All members shall be residents of the County of Santa Cruz. When making its appointments, the Board shall strive to balance the membership to reflect the ethnic, gender, and geographic diversity of the County. At least 4 of the individuals appointed to the Committee shall be persons with disabilities as evidenced by possession of a METRO Discount Photo Identification Card. *No member of the Board of Directors or other elected public official shall be appointed to the Committee.* No employee of METRO or any agency that provides funding to, or contracts with, METRO shall be appointed to the Committee. However, individuals that have been selected to participate on the ADA Appeals Panel, to participate in the Bus Operator Sensitivity Training, or who are employed by the University of California, Santa Cruz in departments other than the Transportation and Parking Services (TAPS), or in the offices that directly supervise

TAPS, shall be exempt from the financial/contracting prohibition for Committee members outlined in this section.

### **§3.2 Members' Terms**

The term of membership of each Committee member shall be two years, commencing with the date of appointment by the METRO Board. Members may be re-appointed for additional terms as approved by the METRO Board of Directors.

### **§3.3 Absences**

If a member accumulates total absences from Committee Meetings of four, without excuse, and two, with excuse, in any twelve-month period, the position shall automatically be declared vacant. The member of the Board of Directors that nominated such Committee member shall be notified of the vacancy so that they can nominate a successor to be appointed to fill the remainder of that Committee member's term.

### **§3.4 Vacancies**

The member of the Board of Directors who nominated the original member shall nominate a replacement candidate to fill a position on the Committee that is declared vacant. The appointment of the replacement member shall be made by the Board of Directors.

## **Article IV OFFICERS**

### **§4.1 Chair and Vice Chair**

The Committee shall elect from its membership a Chair and a Vice Chair at its first meeting of the calendar year, to serve for a one-year term. The chair shall preside at all meetings of the Committee and represent the Committee before the Board of Directors. The Vice Chair shall perform the duties of the Chair when the Chair is absent. In the event of a vacancy in the chair's position, the vice chair shall succeed as chair for the balance of the Chair's term and the Committee shall elect a successor to fill the vacancy in the Vice Chair's position as provided below. In the event of a vacancy in the Vice Chair's position, the Committee shall elect a successor from its membership to fill the Vice Chair's position for the remainder of the vice chair's term.

## **§4.2 Staff Support**

The Secretary/General Manager of METRO shall make arrangements to furnish clerical services to prepare and distribute the Committee's agendas, notices, minutes, correspondence and other materials. The METRO staff assigned to support the committee shall maintain a record of all proceedings of the Committee as required by law and shall perform other support duties to the committee as assigned by the Secretary/General Manager. The minutes of each meeting, when approved by the Committee, shall be transmitted to the METRO Board of Directors.

## **Article V MEETINGS**

### **§5.1 Regular Meetings**

Regular meetings of the Committee shall be held on the third Wednesday of each month. Whenever a regular meeting falls on a holiday observed by METRO, the meeting shall be held on another day or canceled at the direction of the Committee. A rescheduled regular meeting shall be designated a regular meeting.

### **§5.2 Special Meetings**

The Chair may call a special meeting. The meeting shall be called and noticed as provided in Section 5.3 below.

### **§5.3 Calling and Noticing of Meetings**

All meetings shall be called, noticed and conducted in accordance with the applicable provisions of the Ralph M. Brown Act (commencing with Section 54950 of the Government Code). The Secretary/General Manager and METRO Counsel shall be given notice of all meetings.

### **§5.4 Quorum; Vote**

The presence of 6 members shall constitute a quorum for the transaction of business. All official acts of the Committee shall require the affirmative vote of the majority of members present, providing that a quorum is maintained at all times.

### **§5.5 Thirty Minute Rule**

If a quorum has not been established within thirty minutes of the noticed starting time for the meeting the meeting shall be cancelled.

### **§5.6 Matters Not Listed On the Agenda Requiring Committee Action**

Except as provided below, a matter requiring Committee action shall be listed on the posted agenda before the Committee may act upon it. The Committee may take action on items not appearing on the posted agenda under any of the following conditions:

- a. Upon a determination by an affirmative vote of the Committee that an emergency exists, as defined in Section 54956.5 of the Government Code.
- b. Upon a determination by a two-thirds vote of the Committee, or if less than two-thirds of the members are present, a unanimous vote of those members present, there is a need to take immediate action and the need to take action came to the attention of the Committee subsequent to the agenda being posted.

### **§5.7 Time Limits for Speakers**

Each member of the public appearing at a Committee meeting shall be limited to three minutes in his or her presentation, unless the Chair, at his or her discretion, permits further remarks to be made. Any person addressing the Committee may submit written statements, petitions or other documents to complement his or her presentation. Public presentations that have been scheduled prior to the meeting with the Committee Chair shall not be subject to the time limits contained in this section.

### **§5.8 Impertinence; Disturbance of Meeting**

Any person making personal, impertinent or indecorous remarks while addressing the Committee may be barred by the chairperson from further appearance before the Committee at that meeting, unless permission to continue is granted by an affirmative vote of the Committee. The Chair may order any person removed from the Committee meeting who causes a disturbance or interferes with the conduct of the meeting, and the Chair may direct the meeting room cleared when deemed necessary to maintain order.

## **§5.9 Access to Public Records Distributed at Meeting**

Writings which are public records and which are distributed during a Committee meeting shall be made available for public inspection at the meeting if prepared by the METRO staff or a member of the Committee, or after the meeting if prepared by some other person.

## **Article VI AGENDAS AND MEETING NOTICES**

### **§6.1 Agenda Format**

The agenda shall specify the starting time and location of the meeting and shall contain a brief general description of each item of business to be transacted or discussed at the meeting. The description shall be reasonably calculated to adequately inform the public of the subject matter of each agenda item. The agenda may include recommendations for Committee action as appropriate.

### **§6.2 Public Communications**

Each agenda for a regular meeting shall provide an opportunity for members of the public to address the Committee on matters of interest to the public either before or during the Committee's consideration of the item, if it is listed on the agenda, or, if it is not listed on the agenda but is within the jurisdiction of the Committee, under the agenda item heading "Oral/Written Communications". The Committee shall not act upon an item that is not listed on the agenda except as provided under Section 5.8. Each notice for a special meeting shall provide an opportunity for members of the public to directly address the Committee concerning any item that has been described in the notice for the meeting before or during consideration of that item.

### **§6.3 Agenda Preparation**

The METRO Staff assigned to the Committee shall prepare the agenda for each meeting in consultation with the Chair. Material intended for placement on the agenda shall be delivered to the secretary on or before 12:00 Noon on the date established as the agenda deadline for the forthcoming meeting. The METRO Staff, in consultation with the chair, may withhold placement on the agenda of any matter that is not timely received, lacks sufficient information or is in need of staff review and report prior to Committee consideration.

#### **§6.4 Agenda Posting and Delivery**

The written agenda for each regular meeting and each meeting continued for more than five calendar days shall be posted by the METRO Staff at least 72 hours before the meeting is scheduled to begin. The written agenda for every special meeting shall be posted by the METRO Staff at least 24 hours before the special meeting is scheduled to begin. The agenda shall be posted in a location that is freely accessible to members of the public. The agenda together with supporting documents shall be transmitted to each Committee member, the Secretary/General Manager and the METRO Counsel at least five days before each regular meeting and at least 24 hours before each special meeting.

#### **§6.5 Meeting Notices**

The METRO Staff shall transmit notices of every regular meeting at least one week prior to the date set for the meeting to each person who has filed a written request with METRO for such notice as provided in Section 54954.1 of the Government Code. The notice shall be mailed at least one week prior to the date set for the meeting. Notice of special meetings called less than seven days prior to the date set for the meeting shall be given as soon as is practical.

### **Article VII MISCELLANEOUS**

#### **§7.1 Adoption and Amendment of Bylaws**

These Bylaws shall be effective upon approval by the METRO Board of Directors.

#### **§7.2 Committee Process**

The intent of the Committee shall be to provide consensus based advice and recommendations to the METRO Board of Directors.

Approved by Board of Directors: December 19, 2003.

Proposed MAC Bylaws Amendments

May 25, 2007

Article 3.3-Existing Language

**§3.3 Absences**

If a member accumulates total absences from Committee Meetings of four, without excuse, and two, with excuse, in any twelve-month period, the position shall automatically be declared vacant. The member of the Board of Directors that nominated such Committee member shall be notified of the vacancy so that they can nominate a successor to be appointed to fill the remainder of that Committee member's term.

Article 23.3-Proposed Language

**§3.3 Absences**

If a member accumulates total absences from Committee Meetings of four, without excuse, and two, with excuse, in any twelve-month period, the position shall automatically be declared vacant. **IN THE EVENT OF A KNOWN ABSENCE TO AN UPCOMING MAC MEETING IT IS EXPECTED OF THE MAC MEMBER(S) THAT THEY WILL CONTACT THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT FRONT OFFICE ADMINISTRATION STAFF BY PHONE AS SOON AS THE OCCURING ABSENCE IS KNOWN AND NO LATER THAN 12:00 P.M. (NOON) ON THE DAY OF THE MEETING AND THAT FAILURE TO MAKE SAID CONTACT WILL CONSTITUTE AN UNEXCUSED ABSENCE UNLESS CIRCUMSTANCES RESTRICT SUCH CONTACT.** The member of the Board of Directors that nominated such Committee member shall be notified of the vacancy so that they can nominate a successor to be appointed to fill the remainder of that Committee member's term.

5-12.61

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

## STAFF REPORT

**DATE:** May 25, 2007

**TO:** Board of Directors

**FROM:** Margaret Gallagher, District Counsel

**SUBJECT: CONSIDERATION OF APPROVAL OF A RESOLUTION MODIFYING SANTA CRUZ METRO'S BYLAWS INCLUDING REFORMATTING THE REGULAR BOARD MEETINGS, AND ADDING LANGUAGE TO REQUIRE DIRECTORS TO FOLLOW CALIFORNIA LAW RE CONFLICTS OF INTEREST AND OTHER MINOR CHANGES**

### I. RECOMMENDED ACTION

**Adopting the modified Bylaw Resolution which is contained in Attachment A**

### II. SUMMARY OF ISSUES

- At the February 23, 2007 regular meeting of the Santa Cruz METRO Board of Directors amended the Bylaws to eliminate MASTF as an Advisory Group, clarified how the mileage rate reimbursement would be calculated on an annual basis and updated "Metro Center" language to "Pacific Station".
- At the March 9, 2007 regular meeting, the Board of Directors discussed the possibility of reformatting the Board's regular meetings to be stand alone, independent meetings whose agendas are not interdependent with the caveat that the first monthly meeting agenda would review known agenda items for the second meeting. This would require certain modifications to the Board's Bylaws.
- The Board of Directors discussed the issue of Conflicts-of-Interest and whether the Bylaws should be modified to include specific language regarding what a Director must do when a conflict is declared. The Chair asked that the issue be revisited at a subsequent meeting.
- A question also arose during the regular meeting on March 23, 2007, regarding whether METRO could streamline the process when a Director moves for passage of a Resolution that is on the regular agenda by unanimous voice vote rather than by roll call.
- During the April 2007 regular meetings of the METRO Board of Directors, discussion continued regarding the agenda and meeting structure for the Board's regular meetings.

### III. DISCUSSION

**Reformatting Regular Meetings:** Rather than amend the METRO Bylaws; the Board of Directors determined that re-structuring the agendas themselves would eliminate much of the

confusion that seemed to dominant the regular Board meetings. The first monthly regular meeting will generally be reviewed in a workshop format in which questions and issues are raised but no action is taken and no final decisions are made. If, however, staff is asking for action due to time constraints, and if action is taken, the Item will be removed from the second meeting agenda and a new item may replace it. Action Items will be placed at the end of the regular agenda at the first meeting so that the numbering system can easily be adopted for the second meeting. At the second monthly meeting, held two weeks later, the agenda items (generally from the first meeting) will be discussed and decided. Additionally, new items may be added to the second meeting, which have not been reviewed at the first meeting. The new items may take on the numbers of the items decided at the first meeting. The Board of Directors decided that it would continue to monitor the agenda issues and review the matter in a couple of months to determine if the system is working and not creating additional confusion.

**Conflict-of-Interests:** At the February 23, 2007 regular meeting the Board of Directors discussed whether Section 13.03 of the Bylaws should be modified to require a Director who abstains from voting due to a conflict-of-interest to leave the meeting room. Section 13.03 provides that each Director has a duty to vote on matters that come before the Board of Directors unless a legal conflict-of-interest is declared pursuant to California law. The suggestion to modify Section 13.03 included inserting language where appropriate to require the Director declaring the conflict-of-interest to leave the meeting room. Another suggestion was to insert language requiring the Director to follow California law when declaring a conflict.

In reviewing whether the Bylaws should be amended with regard to Section 13.03, a review of the legal requirements regarding conflicts-of-interests is necessary. The general rule regarding conflict-of-interests is that public officials are prohibited from making, participating in or in any way attempting to use their official position to influence a governmental decision in which they know or have reason to know they have a financial interest. A public official has a conflict of interest if the decision will have a reasonably foreseeable material financial effect on one or more of his or her economic interests, unless that effect is not distinguishable from the effect on the public generally. Under the rules adopted by the California Fair Political Practices Commission, deciding whether a financial conflict-of-interest exists is an eight-step process. Once a conflict-of-interest is determined to exist; the Public Official has certain requirements that he/she must fulfill.

An official who has a conflict must, immediately prior to consideration of the decision:

- 1.) Publicly identify in detail the financial interest that causes the conflict (except that he/she need not disclose the street address of a residence);
- 2.) Recuse himself/herself from discussing and voting on the matter; and
- 3.) Leave the room until after the decision has been made, unless the matter is on the portion of the agenda reserved for uncontested matters (generally understood to mean the consent calendar).

The only exception is that the official may speak on a matter as a member of the general public during the period for public participation during the period for public participation regarding the matter. (According to Fair Political Practices Commissions' staff, this provision, which took effect January 1, 2003, is not intended to apply if an official's participation is legally required.) California law does not prevent a public official from making or participating in making a governmental decision to the extent the official's participation is "legally required" for the action or decision to be made.

A conflict-of-interest situation is a complex matter that requires review of the particular facts at issue. Depending on the circumstances, a Director may or may not be required to leave the room at the time that a conflict is declared. Therefore, it is not recommended that specific verbiage requiring a Director to leave the room be adopted. Section 13.03 currently contains language that a Director must declare any conflict of interest in accordance with California law. Further, irrespective of whether language requiring the Directors to follow California law is contained in the Bylaws, Directors must still follow the law. Modifications to Section 13.03 (Attachment A) are being recommended so that conflict-of-interest issues can be decided on a case-by-case basis requiring the Board to follow California law.

**Resolution Passage:** Finally, at the March 23, 2007 regular meeting a question arose regarding what specific language is required in order for a Director to move for the passage of a Resolution by a unanimous voice vote rather than by a recorded roll call vote. According to California law and METRO's Bylaws, the Board of Directors' actions are required to be by Motion, Resolution or Ordinance and no ordinance, resolution or motion shall have any validity or effect unless passed by the affirmative votes of a majority of the directors (Public Utilities 98133). The Bylaws establish further requirements regarding Resolutions as are set forth in Section 12.02 which require adoption of a Resolution by a roll call vote unless a routine Resolution is placed on the Consent Agenda and passed unanimously. If unanimity is not achieved the item is pulled from the Consent Agenda for a roll call vote. METRO's Bylaws also allow a Director to move for the passage of a Resolution by a unanimous voice vote in lieu of a roll call. Again, if unanimity is not recorded, a roll call vote is taken. METRO's enabling statute does not proscribe a particular procedure in which a Resolution must be passed, therefore, because the Board of Directors is authorized by statute to establish rules and procedures for its meetings (Public Utilities Code 98132) it is recommended that a new section 12.02 be adopted which will allow for the passage of a Resolution by a motion if it proves to be unanimous. If the vote is not unanimous, then a roll call will be taken to officially record everyone's vote (See Attachment A with new language).

#### **IV. FINANCIAL CONSIDERATIONS**

None

#### **V. ATTACHMENTS**

**Attachment A:** Proposed modifications to the Bylaws Resolution

# Attachment **A**

RESOLUTION NO. 69-2-1  
Amended 1-21-83, 6-16-89, 8-21-92,  
4-15-94, 4-21-95, 4-27-97, 9-18-98,  
4-16-99, 11-19-99, 6-16-00, 6-08-01,  
6-15-01, 9-21-01, 02-15-02, 06-21-02,  
09-27-02, 10-10-03, 12-19-03, 09-24-04,  
and 12-17-04; 02-24-06; 02-23-07;  
On the Motion of Director: Rotkin  
Duly Seconded by Director: Hagen  
Is Hereby Amended: 05-25-07

## A RESOLUTION OF THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT BOARD OF DIRECTORS ESTABLISHING RULES, REGULATIONS, AND PROCEDURES FOR, AND THE TIME AND PLACE OF MEETINGS OF THE BOARD; AND CREATION OF OTHER OFFICES

### I. REGULAR MEETINGS

#### 1.01 Regular Meetings; Time

- (a) Regular meetings of the Board of Directors shall be held on the second Friday of each month from 9:00 a.m. to not later than 11:00 a.m. and on the fourth Friday of each month from 9:00 a.m. to not later than noon. The Board of Directors may extend the meeting times as necessary through Board action. Notwithstanding the foregoing, if a regular meeting falls within 5 working days of a recognized District holiday, i.e., Thanksgiving, Christmas or New Year's Day, the Board of Directors shall reschedule the meeting to a more convenient date. The regular meeting schedule shall be published for the upcoming year and approved by the Board of Directors during October of each year.
- (b) The regular meeting on the second Friday of the month shall primarily be in a workshop format to review matters that may be agendaized for the Regular Board Meeting scheduled for the fourth Friday of the month. However, the Board of Directors may take action at either regular Board meeting pursuant to the agenda prepared in accordance with California law and these Bylaws.

#### 1.02 Regular Meetings; Place

- (a) The Regular meeting of the Board of Directors on the second Friday of the month shall be convened in the Encinal Conference Room at Santa

Cruz Metropolitan Transit District, 370 Encinal Street, Suite 100, Santa Cruz, CA 95060. The Regular meetings of the Board of Directors on the fourth Friday of the month shall be convened in the Santa Cruz City Council Chambers, City Hall, 809 Center Street, Santa Cruz, California, except that in the following months the meetings will be held at the specified locations: May: Capitola City Council Chambers located at 420 Capitola Avenue, Capitola, California; November: Watsonville City Council Chambers located at 250 Union Street, Watsonville, California.

- (b) If, by reason of fire, flood, earthquake or other emergency, it shall be unsafe to meet in the place designated above, the meeting shall be held for the duration of the emergency or unsafe condition at the place designated by the Chair of the Board of Directors in a notice to the local media that have requested notice in writing, by the most rapid means of communication available at the time. A notification advising the public of the changed meeting location during the emergency or unsafe condition shall be posted on the door of the regular meeting room by the Secretary/General Manager, unless circumstances prevent her/him from doing so.
- (c) The Board of Directors shall not conduct any meeting in any facility that prohibits the admittance of any person, or persons, on the basis of race, religious creed, color, national origin, ancestry, sex, age, marital status, sexual orientation, veteran status, or which is inaccessible to disabled persons, or where members of the public may not be present without making a payment or purchase.

**1.03 Regular Meetings; Open to the Public**

- (a) Meetings of the Board of Directors shall be open and public and all persons shall be permitted to attend except as otherwise allowed by law or when a closed session is authorized pursuant to applicable state law and properly noticed in accordance therewith.
- (b) A Spanish-bilingual interpreter shall be present and available for translations at the Regular Board Meeting held on the fourth Friday of the month.

**1.04 Closed Sessions: State Reasons and Legal Authority; Scope of Coverage; Notice; Reporting Out**

- (a) Prior to holding any closed session, the Board of Directors shall disclose,

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in an open meeting, the item or items to be discussed in the closed session. The disclosures may take the form of a reference to the item or items as they are listed by number or letter on the agenda. In the closed session, the Board of Directors may consider only those matters covered in its statement. Nothing in this section shall require or authorize a disclosure of information prohibited by state or federal law.

- (b) After any closed session, the Board of Directors shall convene into open session prior to adjournment and shall make any disclosures required by state law of action taken in the closed session.

## II. AGENDA

### 2.01 Agenda; Notification and Posting

- (a) In order to facilitate the orderly conduct of the business of the Board of Directors, all reports, communications, resolutions, or other matters to be submitted to the Board of Directors shall be submitted to the Secretary/General Manager not later than 12:00 noon on the Friday two weeks prior to the date of the regular Board of Director's meeting scheduled for the second Friday of the month.
- (b) The Chair, in consultation with the Secretary/General Manager, shall arrange the agenda and shall furnish a copy of it to each member of the Board, to the District Counsel, to the County Administrative Officer, and to the City Manager of Santa Cruz, Capitola, Watsonville and Scotts Valley not later than the Tuesday in the week of a Regular Board meeting; the agenda shall be posted on the Official Bulletin Board for the public at the Administrative Office of the Santa Cruz Metropolitan Transit District at least 72 hours preceding each regular Board meeting.
- (c) The agenda shall contain a brief description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public.

### 2.02 Agenda; Public Input

Every agenda for regular open meetings shall provide an opportunity for members of the public to directly address the Board of Directors on items of interest to the public, before or during the Board's consideration of the item, that

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is within the subject matter jurisdiction of Santa Cruz Metropolitan Transit District, provided that no action shall be taken on any item not appearing on the agenda unless the Board complies with Section 2.03 below.

**2.03 Agenda; Action Taken Not on Agenda**

- (a) No action or discussion shall be taken on any item not appearing on the posted agenda except that members of the Board of Directors present at the meeting or District staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights. In addition, on their own initiative, or in response to questions posed by the public, Directors or District staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Furthermore, a Director or the Board itself may, subject to the District's rules and regulations, provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or, take action to direct staff to place a matter of business on a future agenda.
- (b) Notwithstanding subdivision (a) above, the Board of Directors may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item pursuant to this section, the Chair of the Board of Directors shall publicly identify the item.
  - (i) Upon a determination by a majority vote of the Board of Directors that an emergency situation exists, as defined in Section 4.01(b) herein;
  - (ii) Upon a determination by a two-thirds vote of the Directors present at the meeting, or, if less than two-thirds of the members present at the meeting, a unanimous vote of those member present, that there is a need to take immediate action and that the need for action came to the attention of the District subsequent to the agenda being posted; or
  - (iii) The item was posted pursuant to a prior meeting of the Board of Directors occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

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**2.04 Agenda; Other Distributed Writings**

- (a) Agendas and any other writings when distributed to all or a majority of all, the members of the Board of Directors by any person in connection with a matter subject to discussion or consideration at a public meeting are public records and shall be made available without delay unless the writing is exempt from disclosure pursuant to the Public Records Act.
- (b) Writings which are public records as set forth above and which are distributed during a public meeting shall be made available for public inspection at the meeting if prepared by the District or a Director or after the meeting if prepared by some other person.

**III. SPECIAL MEETINGS**

**3.01 Special Meetings; Notice and Purpose**

- (a) A special meeting may be called at any time by the Chair or by a majority of the members of the Board of Directors, by delivering personally or by any other means, at least 24 hours in advance, written notice to each member of the Board of Directors, and to each local newspaper of general circulation, radio or television station requesting notice in writing. The call and written notice shall specify the time and place of the special meeting and the business to be transacted and discussed.
- (b) No other business shall be considered at the special meeting. The call and notice shall be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public.
- (c) Every notice for a special meeting at which action is proposed to be taken on an item shall provide an opportunity for members of the public to directly address the Board of Directors concerning that item prior to action on that item.

The written notice may be dispensed with by any member of the Board of Directors, who at or prior to the time of the meeting convenes, files with the Secretary/General Manager a written waiver of notice. The waiver may be given by telegram. Written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. Notice shall be required pursuant to this section regardless of whether any action is taken at the special meeting.

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#### IV. EMERGENCY MEETINGS

##### 4.01 Emergency Meetings; Notice and Purpose

- (a) In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board of Directors may hold an emergency open meeting without complying with either the 24-hour notice requirement or the 24-hour posting requirement of Section 3.01 herein.
- (b) For purposes of this section, "emergency situation" means any of the following:
  - (i) An Emergency means a work stoppage, crippling disaster or other activity, which severely impairs public health, safety, or both, as determined by a majority of the members of the Board of Directors.
  - (ii) A dire emergency means a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring the Board of Directors to provide one-hour notice before holding an emergency meeting may endanger the public health, safety, or both, as determined by a majority of the members of the Board of Directors.
- (c) Although no notice to the public is required, each local newspaper of general circulation and radio or television station which has requested notice of special meetings shall be notified by the presiding Chair of the Board of Directors, or designee thereof, one hour prior to the emergency meeting by telephone or in the case of a dire emergency, at or near the time that the Chair or designee notifies the directors of the emergency meeting. All telephone numbers provided in the most recent request of such newspaper or station for notification of special meetings shall be exhausted. In the event that telephone services are not functioning, the notice requirements of this section shall be deemed waived, and the Chairperson of the Board of Directors, or designee thereof, shall notify those newspapers, radio stations, or television stations of the fact of the holding of the emergency meeting, the purpose of the meeting and any action taken at the meeting as soon after the meeting as possible.

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**4.02 Emergency Meetings; Open to the Public**

Emergency meetings are always open meetings regardless of the subject matter except that if agreed to by a two-third vote of the Directors present or if less than two-thirds of the Directors are present, by a unanimous vote of those present, the Board of Directors may hold a closed session with the Attorney General, District Attorney, District Counsel or Chief of Police or their respective deputies, or a security consultant or a security operation manager on matters posing a threat to the security of public buildings, a threat to the security of essential public services, or a threat to the public's right of access to public service or public facilities.

**4.03 Emergency Meetings; Requirements**

All special meetings requirements, as prescribed in Section 3.01 herein, shall be applicable to a meeting called pursuant to this section, with the exception of the 24-hour notice requirement.

**4.04 Emergency Meetings; Minutes**

The minutes of a meeting called pursuant to this section, a list of persons who the presiding chair of the Board of Directors, or its designee notified or attempted to notify, a copy of the roll call vote and any actions taken at the meeting shall be posted for a minimum of 10 days in a public place as soon after the meeting as possible.

**V. DIRECTORS**

**5.01 The Board of Directors**

The District shall be governed by a Board of Directors of eleven members because such membership is necessary to insure adequate representation to all of the areas in the County of Santa Cruz.

**5.02 Appointment**

The membership of the Board of Directors shall be composed of one member appointed by each City Council of Santa Cruz, Capitola, Scotts Valley, Watsonville and any other incorporated area of the District to represent the incorporated area and one member appointed by the Board of Supervisors of the County of Santa Cruz to represent the unincorporated area. Other appointments shall be made in accordance with the proportionate population within the District. The apportionment shall be based upon the population

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distribution within the District and the Board shall reapportion its membership whenever any part of the District is excluded or new territory is added or unincorporated territory within the District incorporates and as a result of the exclusion, annexation, or incorporation, representation on the Board no longer reflects the population distribution within the District. The Board shall also reapportion whenever the County Clerk advises the Board that the latest official census indicates a need for reapportionment.

**5.03 Term of Office**

- (a) The term of office for each Director shall be four years.
- (b) If the appointee of any legislative body is one of its own members the appointee may serve only as long as the appointee is a member of the legislative body.
- (c) An appointment to fill a vacancy on the Board or an appointment made after the expiration of the preceding term shall be for the unexpired portion of the term.
- (d) The failure of a Board member to attend three consecutive meetings of the Board without good cause shall create a vacancy in the office of the Board member.

**5.04 Directors' Code of Ethics**

A Directors' Code of Ethics is attached as Exhibit A to these Bylaws and shall serve as a guideline for the Directors in the work that they perform on behalf of the District.

**5.05 Director Compensation and Reimbursement**

- (a) Each Director shall receive compensation of \$50, up to a maximum of \$100 per month and their actual and necessary expenses, for performance of official District duties which shall include the following activities:
  - i) Attendance at meetings of the Board of Directors;
  - ii) Attendance at meetings, as a District committee member, of a committee appointed by the Chair of the Board or the Board itself;
  - iii) Attendance at meetings, as a District Board member, of a District Advisory Committee;
  - iv) Attendance at meetings, as a District Board Member, of the

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- American Public Transit Association; and
  - v) Attendance at meetings, as a District Board Member, of the California Transit Association.
- (b) In addition to the meetings set forth above, each Director may receive reimbursement for the actual and necessary expenses incurred for the following District Official Duties:
  - i) Attendance at meetings with State and Federal legislators and/or government officials re District business;
  - ii) Attendance at meetings with official District visitors and/or perspective District employees; and/or
  - iii) Participation at required educational and training meetings or seminars.
- (c) Each Director shall be reimbursed for actual and necessary expenses incurred in the performance of official District duties. Reimbursement rates for travel, meals, and other actual and necessary expenses shall be in accordance with the reasonable reimbursement rates set forth in Exhibit B. Notwithstanding the foregoing, Directors shall not receive reimbursement for any costs incurred for lodging accommodations or for airline flights as those expenses shall only be booked and directly paid by the District's Administrative Services Coordinator.
- (d) The Board of Directors in a public meeting shall approve all expenses that do not fall within the reimbursable rates set forth in Exhibit B before the expense is incurred.

**5.06 Reimbursement Process and Expense Report Form**

- (a) The District's Administrative Services Coordinator shall schedule all conferences, lodging accommodations and transportation (including the scheduling of a District vehicle for in-state travel) for a Director and will obtain the best rate available at the time of booking. In no event shall the lodging costs exceed the maximum group rate published by the conference or activity sponsor provided that lodging at the group rate is available to the Director at the time of booking. If the group rate is not available, the Administrator Services Coordinator shall use comparable lodging that is consistent with those rates.
- (b) Directors shall utilize District vehicles in the performance of official District duties in state when possible. If a District vehicle is available but

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the Director prefers to utilize his/her own vehicle, no mileage reimbursement shall be allowed.

- (c) The Administrative Services Coordinator shall provide each Director with an Expense Report form to be filed with the District for reimbursement of the actual and necessary expenses incurred on behalf of the District in the performance of official duties or at a Director's request. The expense reports shall document that expenses meet the existing policy for expenditure of public resources. Directors shall submit expense reports within a reasonable time after incurring the expense but in no event later than four weeks after the expense has been incurred. The receipts documenting each expense shall accompany all reports. The Chair of the Board shall review the reports and insure compliance. Under no circumstances shall expenses be paid or reimbursed to a Director that are not allowed including any expenditures for spouses, friends, or others not specifically authorized by this policy to incur reimbursable expenses.
- (d) Directors shall provide brief reports about the meetings attended at the expense of the District at the next regular meeting of the Board of Directors.
- (e) All documents related to reimbursable agency expenditures are public record subject to disclosure under the California Public Records Act.

## VI. PRESIDING OFFICERS

### 6.01 Election

- (a) The Directors shall at the first meeting in January nominate members of the Board of Directors to serve as Chair and as Vice-Chair. Nominations may be received until final selections occur. The Board of Directors shall, at its second regular meeting in January (generally televised) of each year, choose one of its members to serve as Chair and one of its members to serve as Vice-Chair to serve for the balance of the calendar year or until the selection of their successors. The officer election shall be agendized at the second meeting immediately following the roll call and shall not be paired with any other item.
- (b) Should the office of the Chair become vacant during the calendar year, the Vice-Chair shall assume the office of Chair. Should the office of Vice-Chair become vacant, the nomination and selection of Vice-Chair

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shall be agendized and acted upon by the Board of Directors.

- (c) In the event of a vacancy of both the Chair and Vice-Chair positions, the Directors shall meet in order to nominate members of the Board of Directors for the vacant positions and make final selections.

#### **6.02 Chair to Preside**

The Chair shall preside at all meetings of the Board of Directors. The Chair shall have authority to preserve order at all meetings and to remove or cause the removal of any person from any meeting of the Board of Directors for disorderly conduct, to enforce the rules of the Board of Directors and to determine the order of business under the rules of the Board of Directors.

#### **6.03 Absence of Chair**

If the Chair is absent or unable to act, the Vice-Chair shall serve until the Chair returns or is able to act. The Vice-Chair has all of the powers and duties of the Chair while acting as Chair. In the absence of both the Chair and the Vice-Chair, the Directors shall nominate and elect a director to serve as chair pro tempore during such absences.

### **VII. CONDUCT OF MEETING**

#### **7.01 Call to Order**

The Chair shall at the hour appointed for the meeting, immediately call the Board of Directors to order when a quorum is present. The Chair shall preserve strict decorum at all meetings. She/he shall state every question coming before the Board of Directors, call for the vote, announce the decisions of the Board of Directors, and decide all questions of order, subject, however, to an appeal to the Board of Directors, in which a majority vote of the Board of Directors shall govern and conclusively determine such question of order.

#### **7.02 Rights of Chair**

The Chair, or such other member of the Board as may be presiding, may second and debate, subject only to such limitation of debates as are by these rules imposed on all members; the Chair shall not be deprived of any of the rights and privileges of a Director by reason of holding the position of Chair.

7.011

**7.03 Rules of Debate**

- (a) Every Director desiring to speak shall address the Chair, and upon recognition by the presiding officer, shall be confined to the question under debate, avoiding all references to personalities and indecorous language.
- (b) A Director, once recognized, shall not be interrupted when speaking unless it is to call her/him to order. If a Director, while speaking, is called to order, she/he shall cease speaking until a question of order is determined and, if in order, she/he shall be permitted to proceed.
- (c) A Director may request, through the presiding officer, the privilege of having an abstract of her/his statement on any subject under consideration by the Board of Directors entered into the minutes. If the Board of Directors consents thereto, such statement shall be entered; provided, however, that any Director, without the Board's consent, shall have the right to have the reasons for her/his dissent from, or protest against, any action of the Board of Directors entered into the minutes.
- (d) The Secretary/General Manager may be directed by the Chair, with the consent of the Board, to enter in the minutes a synopsis of the discussion of any question coming properly before the Board of Directors.

**7.04 Rules of Procedure**

Rules of Procedure, which are attached hereto as Exhibit C and incorporated herein by reference shall be followed by the Board of Directors. A complete copy of the Bylaws shall be included in each Director's Board packet and made available for members of the public at Board of Directors' meetings.

**7.05 Disruption of Meeting; Clearing Room**

In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the Board of Directors conducting the meeting may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. In order to readmit individuals who were not disruptive, the following

procedure shall be used:

- (a) When a meeting is disrupted to the point that it cannot be continued, the Chair shall order those persons causing the disruption to leave the meeting.
- (b) If those causing the disruption fail or refuse to leave the meeting, the Chair shall recess the meeting, order the meeting room cleared and summon law enforcement.
- (c) Upon the arrival of law enforcement, the Chair shall reconvene the meeting.
- (d) District Staff shall be directed to readmit those members of the public who did not engage in the disorderly conduct on an individual and intermittent basis.
- (e) If the meeting is again disrupted, the Chair shall cause the meeting room to be cleared and the meeting will continue with only the press in attendance if they have not engaged in any disruption.

## VIII. QUORUM

### 8.01 Transaction of Business; Quorum

A six-member majority of the regular members of the Board of Directors shall constitute a quorum for the transaction of business.

## IX. ADJOURNMENT/CONTINUANCES

### 9.01 Adjournment of Meeting

- (a) The Board of Directors may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment.
- (b) Less than a quorum may adjourn any meeting.
- (c) In the absence of all Directors from any meeting, the Secretary/General Manager may declare the meeting adjourned to a stated day and hour. If she/he does, she/he shall then cause written notice of the adjournment to be given in the same manner as provided for Special Meetings set forth herein.

- (d) A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regularly adjourned regular, special, or adjourned special meeting was held within 24 hours after the time of adjournment.
- (e) When a regular or adjourned regular meeting is adjourned as provided herein, the resulting adjourned meeting is a regular meeting for all purposes.
- (f) When an order of adjournment of any meeting fails to state the hour that the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings of the Board of Directors.
- (g) Any hearing being held, or noticed or ordered to be held, by the Board of Directors at any meeting may by order or notice of continuance be continued or recontinued to any subsequent meeting of the Board of Directors in the same manner and to the same extent set forth above for the adjournment of meetings; provided that, if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or declaration of continuance was adopted or made.

## X. MINUTES

### 10.01 Minute Book Record of Open Sessions

- (a) The Secretary/General Manager, or her/his designee, shall attend all open meetings of the Board of Directors and record and maintain a full and true record of all of the proceedings of the Board of Directors in books that shall bear appropriate titles and be devoted to such purpose. Such books shall have a general index sufficiently comprehensive to enable a person readily to ascertain matters contained therein.
- (b) Unless the reading of the minutes of a Board of Directors meeting is requested by the Board of Directors by a majority vote, such minutes may be approved without reading if the Secretary/General Manager has previously furnished each member with a synopsis thereof.

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**10.02 Minute Book Record of Closed Sessions**

The Secretary/General Manager shall attend each closed session of the Board of Directors unless otherwise directed by the Board of Directors and shall keep and enter in a minute book a record of topics discussed and decisions made at the meeting. The closed session minute book is not a public record and shall be kept confidential. This minute book shall be available only to members of the Board of Directors of Santa Cruz Metropolitan Transit District or, if a violation of the Ralph M. Brown Act is alleged to have occurred at a closed session, to a court of general jurisdiction.

**10.03 Protests and Dissents by Directors Entered in Minutes**

Any Director shall have the right to have the reasons for the Director's dissent from, or protest against any action of the Board entered in the minutes.

**XI. PUBLIC'S ROLE IN MEETINGS/PUBLIC HEARINGS**

**11.01 Public Addressing the Board**

- a. Every agenda for regular meeting shall provide an opportunity for members of the public to directly address the Board of Directors on any item of interest to the public, before or during the Board's consideration of the item, that is within the subject matter jurisdiction of District. Every notice for a special meeting shall provide an opportunity for members of the public to directly address the Board of Directors concerning any item that has been described in the notice for the meeting before or during consideration of that item.
- b. The Chair of the Board of Directors may, depending on the circumstances, limit the total amount of time allocated for public testimony on particular issues and/or for each individual speaker. However, any restrictions placed on public testimony shall be reasonable and not an effort to suppress expression merely because of the content of the speaker's view.
- c. All remarks shall be addressed to the Board of Directors as a body and not to any member thereof. No person, other than the Chair and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Board, without permission of the Chair. Additionally, any person may submit written materials to the Board of Directors for its consideration.

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### **11.02 Public Hearings**

- a) Requests for public hearings shall be in writing and shall be submitted to the Administrative Services Coordinator no later than five (5) days before the last day permitted for announcing the public hearing. All public hearings shall be noticed in local newspaper(s) of general circulation by the Administrative Services Coordinator at the direction of the Secretary/General Manager.
  
- b) The department manager requesting the public hearing shall investigate all applicable requirements for posting of public hearing notices and shall communicate such requests to the Administrative Services Coordinator to ensure that all public hearings are noticed sufficiently in advance of the date of consideration by the Board of Directors.
  
- c) A public hearing will be held before the Board of Directors when required by federal, state, or local laws or regulations or when it is asked to take action on any of the following projects:
  - (i) A change in 25% or more to the service mileage of any route.
  - (ii) A change in District fares.
  - (iii) Adoption of a Resolution authorizing application for federal funds, state or local funds when required by the funding source.
  - (iv) Adoption of any action taken relating to the adoption of any plan, environmental document, property acquisition, resolution, condemnation resolution or other action relating to a project or property where such public hearing is required by state, federal or local law.
  - (v) Adoption of the Annual Budget.
  - (vi) Adoption of the Short Range Transit Plan.
  - (vii) Adoption of an Ordinance.

## **XII. RESOLUTIONS, ORDINANCES AND MOTIONS**

### **12.01 Acts of Board**

The acts of the Board of Directors shall be expressed by Motion, Resolution or Ordinance. No Ordinance, Resolution or Motion shall have any validity or effect unless passed by the affirmative votes of six directors. The Board of Directors shall not take action by secret ballot, whether preliminary or final in an open or closed session.

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## 12.02 Resolution

- (a) ~~No resolution shall be adopted by the Board unless it is presented before the Board in writing or read aloud. Where copies of the resolution have been presented to each Director, the reading of the resolution is automatically waived unless a Director specifically requests that it be read. Resolutions must be adopted by a roll call vote; however, routine resolutions may be placed on the consent agenda. In the event that a Director wishes to dissent or abstain, the resolution will be removed from the consent agenda and be placed on the Regular Agenda. Resolutions may also be passed by unanimous voice vote.~~
- (b) A Resolution can be passed through a unanimous voice vote of all those present. However, if a dissent is registered, then a roll call vote shall be taken.

## 12.03 Ordinance

- (a) No ordinance shall be passed until a public hearing has been held on it, which hearing shall be advertised in a newspaper of general circulation or posted in at least three public places at least 15 days prior to the hearing. No ordinance shall be adopted by the Board of Directors on the day of introduction. Ordinances must be adopted by a roll call vote.
- (b) All ordinances shall be printed after passage, and maintained in the District Administrative Offices.
- (c) The enacting clause of all ordinances shall be as follows:  
  
"Be it enacted by the Board of Directors of the Santa Cruz Metropolitan Transit District:..."
- (d) All ordinances shall be signed by the Chair of the Board or Vice-Chair and attested by the Secretary/General Manager.

## XIII. METHOD OF VOTING

### 13.01 Voice Vote

Unless a roll call vote is specifically requested by a Director, all matters, except the voting on Resolutions and Ordinances, shall be decided by voice vote. All actions of the Board of Directors shall be approved by affirmative vote of a minimum of six voting members of the Board of Directors unless otherwise

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specifically required.

**13.02 Silence Recorded as Affirmative Vote**

A member's silence shall be recorded as an affirmative vote.

**13.03 Duty to Vote**

Each Director has a duty to vote when present at a meeting on matters coming before the Board of Directors or a Board Committee unless he/she has notified the Board of Directors of a legal conflict of interest in accordance with California state law, ~~and has made a full public disclosure regarding such conflict of interest.~~ If a conflict of interest is disclosed, the Director shall adhere to all California legal requirements. ~~abstain from voting, unless otherwise required by law to vote.~~

**13.04 Unanimous Voice Votes in Lieu of Roll Call for Resolutions**

~~A Director can move the passage of a Resolution by a unanimous voice vote in lieu of a roll call. If a dissent is registered then a roll call vote shall be taken.~~

**XIV. COMMITTEES AND APPOINTMENTS**

**14.01 Creation of Committees**

- (a) The Board of Directors may establish committees for a stated purpose. If required by California Law, committees and their members shall comply with the Ralph M. Brown Open Meeting Act. Committees are required to comply with these Rules and Regulations. The Secretary/General Manager shall provide adequate staffing to assist the committees in doing their work. Directors who are not committee members may attend committee meetings as long as they attend only as observers when a majority of the Board of Directors is in attendance at the committee meeting. Appointees to committees serve at the pleasure of the Board of Directors, except that no appointee will be removed from office for an illegal reason including the exercise of his/her right to speak about matters of public concern. The committees shall include the following:
  - (i) Working committees or subcommittees of the Board of Directors analyze, review, and make recommendations to the Board of Directors on items to be presented to the full Board. The Chair of the Board shall appoint members of the Board to such committees

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or subcommittees and shall also appoint a Board member to chair the committees or subcommittees. If a vacancy occurs, the Board Chair shall appoint a Director to fill the vacancy. Minutes shall be taken at each committee and shall be prepared and distributed to the Directors at least two days prior to the regular Board meeting.

- (ii) The Board of Directors may from time to time create advisory committees who shall be charged with giving advice to the Board of Directors regarding an issue relevant to the Transit District's business. Appointments to advisory committees may be made by the Chair, or the Board of Directors. Directors, employees or members of the public may sit on an advisory committee. The following are permanent advisory committees of the Board of Directors:
  
- (iii) The Metro Advisory Committee (MAC) is the official advisory committee of the Santa Cruz Metropolitan Transit District. Its purpose is to advise the Board of Directors on matters of METRO policy and operations referred to the committee by the Board or the Secretary/General Manager and to perform such additional duties as assigned. The committee may also address issues which committee members or the public raise with respect to the quantity and quality of services provided by METRO. MAC shall be composed of 11 members appointed by the Board of Directors. Each director shall nominate one individual to serve as members of the MAC. The Board of Directors shall approve bylaws to be followed by MAC.

#### **14.02 Appointment to Santa Cruz County Regional Transportation Commission**

- (a) The Board of Directors shall each year in January appoint three representatives and three alternates (in order of priority) to the Santa Cruz County Regional Transportation Commission (SCCRTC) who must be members of the Board of Directors. The Board Chair shall submit nominations of three representatives and three alternates for the first Board meeting in January. At that first meeting in January, the Chair shall entertain other nominations for SCCRTC representatives and alternates from the Directors. Nominations may be received until final selections occur. Thereafter at the second meeting in January, the Board of Directors shall vote on the nominations via a motion and a second. To be appointed a nomination shall receive at least six affirmative votes. A Director may move a slate of three representatives or a slate of three alternates for

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appointment.

- (b) The Board of Directors may provide its SCCRTC representatives with guidance on issues coming before the Commission to assist the director/commissioner in serving the best interests of the Transit District.

## XV. OFFICIAL BULLETIN BOARD

### 15.01 Posting of Notices

- (a) For purposes of posting official notices of the Board of Directors, notices of public hearings, and any other official papers of the Santa Cruz Metropolitan Transit District where posting is required by the law, the Official Bulletin Board of the Santa Cruz Metropolitan Transit District shall be the bulletin board at the entrance of the District Administrative Office. Should the Board of Directors hold a public hearing at any location other than its regular place of meeting, then, in addition to the posting of the notice on the Official Bulletin Board above listed, posting shall also be made upon or near the door of the place of meeting.
- (b) All advisory committees created by the Board of Directors are required to post any and all official notices including those notices required by law at the official bulletin board so designated for that purpose at the Pacific Station, 920 Pacific Avenue, Santa Cruz, CA 95060.
- (c) To insure that all ordinances of the District are enforced.
- (d) To administer the personnel system and collective bargaining agreements adopted by the Board of Directors and, except for officers appointed by the Board, to appoint, discipline or remove all officers and employees subject to the rules and regulations adopted by the Board, and the applicable provisions of any adopted collective bargaining agreement.
- (e) To prepare and submit or cause to be prepared and submitted to the Board of Directors within 90 days after the end of each fiscal year a complete report of the finances and the administrative activities of the District for the preceding year, and the financial status of the District on the last day thereof.
- (f) To keep the Board of Directors advised as to the needs of the District.

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- (g) To formulate and present to the Board of Directors all plans and specifications for the construction of the works of the District and the means to finance them.
- (h) To have no business interest which interferes with his/her duties and responsibilities to the District.
- (h) To cause to be installed and maintained a system of auditing and accounting which shall completely and at all times show the financial condition of the District.
- (j) Attend meetings of the Board of Directors as directed by the Board, and act as Secretary to the Board.
- (k) To perform such other and additional duties as the Board may require.

**16.02 General Manager; Qualifications and Experience**

The General Manager shall be chosen on the basis of his/her qualifications with special reference to his/her actual experience in or knowledge of accepted practices and respect to the duties of his/her office as herein above set forth.

**16.03 General Manager; Pro Tempore Appointments**

The Board of Directors may appoint a General Manager pro tempore during any absence or disability of the General Manager.

**16.04 General Manager; Resident Requirement**

The General Manager need not be a resident of this State at the time of his/her appointment, however /he/she shall establish a California residency within 30 days of the commencement of his or her duties with the Transit District.

**16.05 District Counsel; Appointment, Powers and Duties**

The District Counsel shall be admitted to the practice of law in all courts of this State. The District Counsel shall have the power and be required to:

- (a) Represent and advise, if authorized and directed by the Board of Directors, the Board of Directors and all District officers, committees or departments in all matters pertaining to their office.

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- (b) Represent and appear, if authorized and directed by the Board of Directors, for the District and any officer or employee, in any and all actions and proceedings in which the District or any officer or employee, in or by reason of their official capacity, is concerned or is a party; however, the Board of Directors shall have control of all legal business and proceedings and may employ other attorneys to take charge of any litigation or matter, or to assist the District Counsel therein.
- (c) Attend all meetings of the Board of Directors as directed by the Board of Directors and give legal advice or opinions in writing whenever requested to do so by the Board of Directors, or by any of the committees or officers of the District.
- (d) Review all contracts to be made by the District and provide the Board of Directors, its officers and staff with legal advice regarding same.
- (e) Prepare any and all proposed ordinances or resolutions for the District and amendments thereto.
- (f) Perform such other acts relating to the office as the Board of Directors shall require; and
- (g) On vacating the office, surrender all books, papers, files, and documents pertaining to the District's affairs.

**PASSED AND ADOPTED** this 25th day of May 2007, by the following vote:

**AYES:** Directors -

**NOES:** Directors -

**ABSTAIN:** Directors -

**ABSENT:** Directors -

**APPROVED** \_\_\_\_\_

MARCELA TAVANTZIS  
Board Chair

**ATTEST**

\_\_\_\_\_  
LESLIE R. WHITE  
General Manager

**APPROVED AS TO FORM:**

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MARGARET GALLAGHER, District Counsel

7.23

Regulation Number: AR-1004

Computer Title: Director's Code of Ethics

Effective Date: April 16, 1999

Pages: 4

**TITLE: Santa Cruz Metropolitan Transit District Director's Code of Ethics**

REVISION DATE	SUMMARY OF REVISION	APPROVED
April 16, 1999	Policy Implemented	J.B.
February 24, 2006	Section IX - Ethics training added	M.R.
December 15, 2006	Delete specific section of Director's Code of Ethics	M.R.

**I. POLICY**

District Directors are public servants and, as such, are expected to be impartial and responsible in fulfilling the public trust placed in them. The public expects the highest standard of ethical conduct from all those in public service. District Directors are expected to demonstrate personal integrity, honesty, and truthfulness in all their public activities in order to inspire public confidence and trust in the District.

**II. APPLICABILITY**

2.01 This policy is applicable to all District Directors.

2.02 Notwithstanding any provision of this Code every District Director shall comply with applicable Federal, State and local laws.

**III. RESPONSIBILITIES OF PUBLIC SERVICE**

3.01 District Directors are bound to discharge faithfully the duties of their offices, recognizing that the lives, safety, health, and welfare of the general public must be their primary concern. Their conduct in their official and private affairs should be above reproach to assure that their public office is not used for personal gain.

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#### IV. POLITICAL ACTIVITY

- 4.01 Except as herein otherwise provided, or as necessary to meet requirements of federal or state law, no restriction shall be placed on the political activities of any District Director.
- 4.02 No District Director who holds, or who is seeking election or appointment to, any office or employment in a state or local agency shall, directly or indirectly, use, promise, threaten or attempt to use any office, authority, or influence, whether then possessed or merely anticipated, to confer upon or secure for any person, or to aid, obstruct, or to prevent any person from securing, any position, nomination, confirmation, promotion, or change in compensation or position within the District.
- 4.03 No District Director shall directly or indirectly solicit a political contribution from a District employee, except if such solicitation is part of a solicitation made to a significant segment of the public, which may include District employees.
- 4.04 No District Director who holds, or is seeking election or appointment to, any office shall offer or arrange for any increase in compensation or salary for a District employee in exchange for, or promise of, a contribution or loan for the person who holds, or who is seeking election or appointment to such office.
- 4.05 No District Director shall engage in political activity while acting in his/her capacity as a Director for the District.

#### V. NONDISCRIMINATION

- 5.01 District Directors shall not, in the performance of their District responsibilities, engage in unlawful discrimination of any sort under any applicable federal, state, county or municipal law or ordinance, including without limitation discrimination against any person on the basis of race, sex, color, national origin, religion, disability, age, marital status, sexual orientation, or veteran status, and they shall make good faith efforts to support and comply with the District's equal opportunity and affirmative action goals and objectives.

## VI. REPORTING OF IMPROPER GOVERNMENT ACTIVITIES

6.01 District Directors are encouraged to serve the public interest by disclosing to the Board of Directors to the extent not in conflict with the attorney-client privilege or the physician-patient privilege, information concerning District activities where the Director has reasonable cause to believe that the information discloses a violation of state or federal statute, or violation or noncompliance with state or federal regulation. No Director of the District shall use or attempt to use his or her authority to interfere with such disclosure made by another Director or a District employee or to retaliate against a Director or District employee for such disclosure.

## VII. ETHICS TRAINING

7.01 Each Director shall receive at least two hours of training in general ethics principles and ethics laws relevant to his/her public service every two years.

7.02 Ethics laws include but are not limited to the following:

- (a) Laws relating to personal financial gain by public servants, including but not limited to, laws prohibiting bribery and conflict-of-interest laws;
- (b) Laws relating to claiming prerequisites of office, including but not limited to gift and travel restrictions, prohibitions against the use of public resources for personal or political purposes, prohibitions against gifts of public funds, mass mailing restrictions, and prohibitions against acceptance of free or discounted transportation by transportation companies;
- (c) Government transparency laws, including, but not limited to financial interest disclosure requirements and open government laws;
- (d) Laws relating to fair processes, including but not limited to common law bias prohibitions, due process requirements, incompatible offices, competitive bidding requirements for public contracts, and disqualification from participating in decisions affecting family members.

7.03 The District's Administrative Services Coordinator shall provide information on training available to meet the requirements of this section to the directors at least once annually.

**EXHIBIT A**

- 7.04 Each Director in office as of January 1, 2006 except for officials whose terms of office ends before January 1, 2007, shall receive the training required herein before January 1, 2007. Thereafter, each local agency official shall receive such training at least once every two years.
- 7.05 A Director who serves more than one local agency shall satisfy the training requirements once every two years without regard to the number of local agencies with which he/she serves.
- 7.06 The Administrative Services Coordinator shall maintain training records as required herein for at least 5 years which indicate both of the following:
- (a) The dates that the Directors satisfied these training requirements.
  - (b) The entity that provided the training.
- 7.07 All ethics training records prepared and/or maintained in accordance with this section are subject to disclosure under the California Public Records Act.

Reimbursable	Rates
<b>Transportation:</b>	
Airporter (e.g. shuttle)	\$40.00
Bridge tolls	\$7.00
Cab, per person, per trip	\$20.00
Parking at airport, per day	\$25.00
Parking at hotel, conference center, per day	\$50.00
Personal vehicle mileage to/from airport/conference, per mile	IRS Publication 463*
Public transportation (e.g. bus, subway), per trip/Daypass	\$15.00
Rental Car (includes insurance) per day	\$75.00
<b>Meals:</b>	
Breakfast	\$20.00
Lunch	\$25.00
Dinner	\$50.00
Tips for meals (15% maximum)	
<b>Personal Items:</b>	
Personal calls, one call per day	\$10.00
<b>Not Reimbursable</b>	
<b>Transportation:</b>	
Baggage Claims	
Cab (personal)	
Tips to cabs	
Tips for luggage handling	
<b>Meals:</b>	
Alcoholic Beverages	
Meals for others (e.g. spouses, personal guests)	
Meals upon return to Santa Cruz County	
Snacks	
<b>Personal Items:</b>	
Housekeeping tips	
Clothes cleaning	
Clothing	
Entertainment (e.g. in-room pay movies, video rentals)	
Hair care	
Personal items (e.g. toothpaste)	
Shoeshine	
Souvenirs/Gifts	
Trip Insurance	
<b>Lodging:</b>	
Other than self (e.g. spouse, personal guests)	

\*updated annually

## METRO's Rules of Procedure for Meetings

### A. Motions

1. A motion is the means used by a Director to present a substantive proposal to the Board of Directors for consideration and action. It is the basic means for the transaction of business. Only one subject can be considered by the Board of Directors at one time, therefore, a motion can be proposed only when no other motion is before the Board. A motion must be introduced by the words, "I move..."
2. A motion should be concise and clear. If a motion is confusing, unnecessarily long or involved, the Chair should ask the proposer to rephrase the motion and, if necessary, should assist the Director in doing so. The Chair can rephrase the motion only in wording that is approved by its proposer. The Chair can require that any motion be submitted in writing.
3. A motion requires a second, which means that another director indicates a desire to have the proposal considered. The Director who seconds the motion does not have to be in support of the motion.
4. When a motion has been moved and seconded, the Chair opens the matter for debate. When any Director wishes to speak in debate, he/she shall so indicate to the chair.
5. The motion may be decided by a vote approving or defeating it or it may be disposed of by some other motion such as referral to a committee. No motion may simply be ignored; definite action must be taken on it. A motion passes if at least six affirmative votes are recorded.

### B. Motion to Amend

1. The purpose of a motion to amend is to modify a motion that is being considered by the Board of Directors so that it will express more satisfactorily the will of the directors. There is no limit to the number of amendments that can be considered to modify a motion.
2. A Motion to Amend requires a second, is debatable, cannot be amended, and takes precedence over the main motion. However, if an amendment is offered as a "friendly amendment" and is accepted by the proposer of the main motion then a second is not required to incorporate the amendment into the main motion.

3. Amendments are voted on in the reverse order of their proposal. The vote then shall be taken on the amendment to the motion and, finally on the motion.

### **C. Debate**

1. The purpose of a legislative body is to secure the collective judgment of the group on proposals submitted to it for decision. This purpose is best served by the free interchange of thought through discussion and debate. The right of every director to participate in the discussion of any matter of business that comes before the Board of Directors is one of the fundamental principles of parliamentary law. Therefore, every director is guaranteed a reasonable and equal opportunity to be heard.
2. Usually the first director who indicates to the chair a desire to speak will be recognized for that purpose. When more than one director indicates a desire to speak, the following rules will apply:
  - a.) The proposer of the Motion or the author of a Report will be recognized first;
  - b.) A director who has not had the opportunity to speak will be recognized over one who has already spoken on the issue. Similarly one who seldom speaks should be recognized over one who speaks more frequently;
  - c.) The Chair should alternate between the supporters and opponents of an issue.
3. When it appears to the Chair that all the directors who wish to speak have been recognized, he/she may call for a vote.
4. A Motion to Close Debate (Calling the Question) will prevent or stop debate on the motion (or motions) to which it is applied and bring it (them) to an immediate vote. The Motion to Close Debate may be proposed at any time after the motion to which it applies has been stated to the Board of Directors. Once a Motion to Close Debate is offered, the Chair shall decide whether or not Debate should be closed considering whether there are other Directors who wish to debate the issue and whether the debate will be productive. The Board of Directors with a minimum of six affirmative votes may overrule the decision of the Chair.
5. A Motion to Postpone Temporarily (To Lay on the Table, or to Table) is a motion to set aside temporarily a pending motion in such a way that, if the Board of Directors wishes, the postponed motion can be taken up again for consideration at any time during the current meeting by a motion to resume its consideration. A Motion to Postpone Temporarily requires a second, is not debatable and cannot be amended and requires at least six

affirmative votes for passage or two-thirds when used to suppress a motion without further debate.

#### **D. Motion To Reconsider**

1. A Motion to Reconsider is to enable the Board of Directors to set aside a vote on a motion taken at the same meeting and to consider the motion again as though no vote had been taken on it because of a misunderstanding or because action was taken without adequate information or because later events cause the Board of Directors to change its mind.
2. A Motion to Reconsider is a restorative motion and can be offered at any time during a meeting. It is unusual in that, unlike an ordinary motion, it may be proposed even if other business is under consideration, and if necessary, it may interrupt a speaker. When a Motion to Reconsider is proposed and seconded while other business is pending, the Chair directs the secretary to record its proposal; but the Motion to Reconsider is not considered until the pending business has been handled. It is then considered and decided immediately.
3. Any Director may offer the Motion to Reconsider when it appears justified, as when new facts have come to light or when an error needs to be corrected, or when a hasty decision appears to have been made. If the Chair considers the motion dilatory, it can be ruled out of order. If there is disagreement about whether the Motion is dilatory, the decision of the Chair can be appealed, in which case the ultimate decision is made by the Board of Directors.
4. A Motion for Reconsideration requires a second, debate is restricted to the reasons for reconsideration, it cannot be amended and requires at least six affirmative votes.

#### **E. Points of Order**

1. A Point of Order calls the attention of the Board of Directors and of the Chair to a violation of the rules, an omission, a mistake or an error in procedure and to secure a ruling from the Chair on the question raised.
2. A Point of Order must be raised immediately after the mistake, error, or omission occurs. It cannot be brought up later unless the error involves a violation of law, or of the bylaws, or the accuracy of the minutes.
3. As soon as the Director has stated a point of order, the Chair must rule on it, declaring that the point is “well taken” or “not well taken”. The Chair may state the reasons for the decision, if desired. If the Chair is in doubt

as to the correct decision, the ruling may be delayed briefly. Meanwhile, action on the matter affected by the point of order is deferred. When the Chair refers a point of order to the Board of Directors for decision, discussion is not in order unless the Chair invites it. No appeal may be taken from a decision by the Board of Directors on a point of order. A Director wishing to challenge a decision of the Chair on a point of order must appeal to the Board of Directors. A minimum of six affirmative votes by the Board of Directors is required to overrule the Chair.

4. The highest Point of Order is the request for Personal Privilege, which takes precedence over all other matters. This request enables a Director to secure an immediate decision and action by the Chair on a request that concerns the comfort, convenience, rights or privileges of the Board or of the Director himself/herself. It may be used when a Director believes that he/she has been insulted and wants to respond. It should be used sparingly and may never be used to raise a substantive point.

**F. Procedures Not Addressed**

If there are any procedural matters that arise during a meeting of the Board of Directors that are not covered in these Rules of Procedure or in the Santa Cruz METRO Bylaws, the Chair shall decide how to proceed. The Board of Directors with at least six affirmative votes, however, may overrule the Chair.

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

## STAFF REPORT

**DATE:** May 25, 2007

**TO:** Board of Directors

**FROM:** Margaret Gallagher, District Counsel

**SUBJECT:** **PUBLIC HEARING ON CONSIDERATION OF MODIFICATIONS TO METRO'S PARACRUZ ELIGIBILITY AND APPEALS PROCESS REGULATION TO INCLUDE AN AMENDMENT PROCESS TO CONFORM THE REGULATION WITH THE ACTUAL PRACTICES, SUBSTITUTE MAC, INSTEAD OF MASTF, AS AN APPOINTING AUTHORITY TO THE APPEALS PANEL AND OTHER CHANGES**

### I. RECOMMENDED ACTION

**Modify METRO's ParaCruz Eligibility and Appeals Process Regulation as shown in Attachment A**

### II. SUMMARY OF ISSUES

- There is a need to modify the language in the Santa Cruz Metropolitan Transit District's (METRO's) current ParaCruz Service Eligibility and Appeals Process Regulation to add an amendment process, conform the language of the regulation with the actual current practices, to substitute MAC, instead of MASTF, as an appointing authority for the appeals panel and make other changes.
- Proposed revisions of the regulation are highlighted in Attachment A, new language is indicated by bolded words and strike-outs indicate what words are to be deleted. A detailed explanation for each modification is included in Attachment B. The Metro Rider's Union has written a letter regarding the proposed modification, which is Attachment C. Attachment D, is a letter dated April 20, 2007 from Bob Winslow, AAA Advisory Council.

### III. DISCUSSION

As a public agency operator of fixed route bus service, the Santa Cruz Metropolitan Transit District (METRO) is required by the Americans with Disabilities Act and its implementing regulations to provide paratransit service to eligible riders throughout its service area. The regulations allowed METRO to phase in its paratransit service over the course of 5 years. Initially, and in accordance with the federal regulations, METRO prepared a Paratransit Implementation Plan in 1992. METRO's Plan, in addition to its actual paratransit service requirements, included a description of METRO's then current fixed route service, an inventory of existing paratransit service and a financial analysis. Upon completion of the Plan, METRO submitted it to the Federal Transit Administration in 1992. Thereafter, METRO submitted annual updates which demonstrated METRO's

implementation of its paratransit service. Finally, the federal regulations no longer required such submittals.

Initially, Community Bridges operated METRO's paratransit service through a contractual arrangement. In November 2004, METRO brought the operations of the its paratransit service in-house. In 2006 after receiving public input, the METRO Board of Directors adopted METRO's Official Paratransit Plan, METRO's ParaCruz Customer Guide.

On July 26, 2002, the Board of Directors adopted the attached regulation, which sets forth the eligibility criteria, the eligibility and recertification processes and an appeal process. At this time METRO staff is proposing various modifications to this regulation including having the Board of Directors designate it in conjunction with METRO's Customer Guide as METRO's Paratransit Plan. Attachment B outlines the specific modifications being recommended at this time.

On May 3, 2007, METRO staff met with the Elderly and Disabled Transportation Advisory Committee (E&D TAC) to review the proposed modifications with the members of this committee and obtain any feedback. Comments received from the E&D TAC are incorporated into this report. METRO staff will be meeting with METRO's Advisory Committee on May 16, 2007 to review the proposed modifications.

Some of the more major issues are set forth below.

**Eligibility Recertification (Section 4.12):** One of the major issues confronting ADA paratransit operators is the process utilized to determine eligibility. Eligibility for METRO ParaCruz is based on a functional assessment of whether the applicant can use METRO's fixed route service. If, because of a disability, the applicant cannot use the fixed route transit service, METRO will determine that he/she is eligible for METRO ParaCruz. In making all eligibility determinations and processing each appeal, METRO follows the mandates of the Americans with Disabilities Act (ADA) and its implementing regulations.

Prior to 2002, the eligibility process for the METRO ADA paratransit service was a paper application, which required verification of a qualifying condition by a medical professional. No recertifications were conducted and little monitoring of the program occurred. In 2000/01, under the direction of Leslie White, METRO's General Manager, METRO retained the services of a nationally recognized Bay Area consulting firm who specialized in transit and paratransit issues to conduct a comprehensive financial and operational audit of METRO ParaCruz which included public participation and input. As a result of the recommendations brought forth during the audit, the METRO Board of Directors adopted the current model of in-person paratransit eligibility assessments with recertifications generally being through written verification by the eligible customer that his/her condition has remained the same. The current regulations do allow the Manager of Operations or his/her designee to require in-person recertifications at his/her discretion

for recertification. METRO staff was concerned with this discretionary allowance and believed that setting criteria for such in-person assessments would stave off any abuse of this privilege. Therefore, it is recommended that Section 4.12 of the regulations be modified to include, **“An in-person assessment shall only be required for a renewal when documented, known facts and circumstances indicate that the eligible rider is no longer eligible for the service when the source of such information is specifically identifiable and reliable.”**

Union officials and ParaCruz operators have expressed concern that the operators are being asked to “report” on their customers, which may create conflict. Some members of E&D TAC thought the proposed language was fine recognizing that METRO receives this type of information unsolicited from different sources and that if people are functionally able to utilize the fixed route system they should not be using ParaCruz. However, one member suggested that a random number of eligible riders be selected for in-person assessments. Concern was expressed for this approach because its random nature would require riders to submit to an in-person assessment who are known to be unable to utilize the fixed route and those who have been identified, as possible abusers of the system would not necessarily be subjected to an in-person assessment.

The METRO Riders Union has expressed its disagreement of METRO allowing most of the ParaCruz eligible riders to self-certify themselves as eligible. Attachment C is a 4-page letter from the METRO Riders Union regarding this issue.

**Paratransit Plan Amendment Process (Sections 3.01-3.04):** The amendment process found in Section III of the Regulations was only recently added to the proposed modifications. Because of the significance of the Paratransit Plan to METRO and the community it is believed that an official, written amendment process is important to include in the Regulation. This amendment process, if adopted, would be applicable to the ParaCruz Customer Guide and this Regulation, as these two documents would compose METRO’s Paratransit Plan. E&D TAC strongly stated that it wanted to be included as an active participant in the review and input process for any proposed amendment to METRO’s Paratransit Plan. E&D TAC voted to send a letter to the METRO Board of Directors setting forth its position and rationale. As a result of E&D TAC’s input on this matter, METRO staff has revised its recommendations regarding the amendment process to include E&D TAC as a review stakeholder. If other stakeholders are identified through this process, the METRO Board of Directors may want to consider adding specific stakeholders to the review process as well.

The Area Agency on Aging Advisory Council of Santa Cruz and San Benito Counties has asked to receive advance notification of any current and/or future changes to ParaCruz services. According to Bud Winslow, Chair, AAA Advisory Council, the AAA Advisory Council has a federal mandate to represent the elderly, including those who most desperately need reliable and safe transportation (See Attachment D).

Another suggestion that was offered at the E&D TAC meeting re the amendment process was to utilize the ParaCruz vehicles to post notices of the public hearing re amendments to the METRO's Paratransit Plan. Currently, METRO staff suggests retaining notification of the public hearing via the newspaper and METRO's website. Focusing METRO staff time on garnering input via the MAC and the identified stakeholders seems to be a more productive way to spend METRO resources than by having METRO staff post notification of the public hearings in the ParaCruz vehicles. However, no language is included in the Paratransit Plan that would preclude such posting if it was subsequently, deemed appropriate.

**Immediate Needs Certification (Section 4.05):** METRO staff initially recommended that the "Immediate Needs Certification" which allow an individual who does not have time for an in-person assessment to be considered eligible for rides for 14 days, not be allowed to be extended beyond that time. METRO staff believes that this privilege should be limited to only 14 days because within that time period the individual should have sufficient time to schedule and attend an in-person assessment. Members of E&D TAC expressed concern regarding the elimination of the ability of the Manager of Operations and/or his/her designee to extend the immediate needs certification and the simultaneous elimination of the "**Hardship Request for Paper Application Process**" (Section 6.02). The concern is that an individual in desperate circumstances will be left with no available transportation unless he/she submits to an in-person eligibility assessment. An example was cited of an individual who is only able to make one trip a week to a medical doctor because of severe pain being denied transportation services because he/she cannot make it to the eligibility assessment within the 14-day period of eligibility under the immediate need certification. METRO staff reported that rarely does an individual request an extension of an immediate need certification and a Hardship Request has never been granted. It is important to note that the "Immediate Needs Certification" is not required by the ADA or its regulations but rather is METRO's assessment that members of the community may have an immediate need for paratransit services and may not initially have time to participate in an in-person assessment. After consultation with E&D TAC, METRO staff modified its position and took out the modified language that would eliminate the Manager of Operations ability to extend the 14-day period. METRO staff will closely monitor this situation over the next year to determine how and under what circumstances extensions are requested and granted.

**Locations for Individual Assessments (Section 6.02):** Currently, METRO only has one site in which it carries out eligibility assessment interviews. Language in Section 6.02 is being deleted that referred to multiple assessment sites. The deletion of the language is designed to conform the regulation to the current situation. A suggestion was made at E&D TAC that it may be in METRO's best interests to carry out eligibility assessments at facilities, such as Elderday. It was pointed out that METRO would save the some of the transportation costs related to the eligibility assessments. However, METRO staff continues to recommend eliminating the language related to assessment locations.

The meeting with E&D TAC regarding the proposed modifications proved helpful and its input and, that of its individual members, regarding the modifications was greatly appreciated.

The METRO Advisory Committee (MAC) will review these proposed modifications on May 16, 2007. Their comments and recommendations will also be reported to the Board of Directors.

#### **IV. FINANCIAL CONSIDERATIONS**

None

#### **V. ATTACHMENTS**

- Attachment A:** METRO's ParaCruz Eligibility and Appeals Process Regulation with modifications indicated in bold (new language) and strike-outs (language to be deleted).
- Attachment B:** Notes and Explanation regarding proposed modifications
- Attachment C:** METRO Riders Union Letter dated April 16, 2007 regarding In- Person Assessments on Recertifications
- Attachment D:** Letter dated April 20, 2007, from Bob Winslow, AAA Advisory Council

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Regulation Number: AR-1024

**Attachment A**

Computer Title: Metro ParaCruz appeal process

Effective Date: July 26, 2002

Pages: 10

**TITLE: METRO PARACRUZ SERVICE ELIGIBILITY AND APPEALS PROCESS**

**Procedure History**

DATE	SUMMARY OF REVISION	APPROVED
7/26/02	New—METRO ParaCruz Eligibility and Appeals Process	S.A.
9/26/03	Immediate need policy changes and procedural revisions	E.R.
3/28/06	Assign new Regulation Number – no change to content	L.W.
<u>5/25/07</u>	<u>Added amendment process for Paratransit Plan; Conformed regulation to current practices; Substituted MAC for MASTF as appointed authority to appeals panel, and other changes</u>	<u>Not Yet</u>

**I. POLICY**

- 1.01 It is the policy of Santa Cruz ~~Metro~~**METRO** that because it operates a fixed route system, it shall provide a paratransit service that is comparable and complementary to the fixed route service to eligible riders. Santa Cruz ~~Metro's~~**METRO's** paratransit service shall be known as METRO ParaCruz.
  
- 1.02 METRO ParaCruz eligibility and appeals process shall be in accordance with the Americans with Disabilities Act (ADA) and its implementing federal regulations and shall insure that all eligible riders enjoy full access to either Santa Cruz ~~Metro's~~**METRO's** fixed route service or to the METRO ParaCruz Service as appropriate. The eligibility and the appeals process for METRO ParaCruz shall be fair, effective, accurate, respectful and non-threatening.
  
- 1.03 Santa Cruz ~~Metro~~**METRO** recognizes that the ADA establishes a civil right to paratransit services for individuals who cannot otherwise utilize the fixed route system whether because of their disability or because of the inaccessibility of the

**8.a.1**

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fixed route system. Therefore, a determination of ineligibility for such service is a serious matter.

### **II. APPLICABILITY**

- 2.01 This procedure is applicable to all individuals applying for METRO ParaCruz, filing an appeal regarding METRO ParaCruz eligibility and those who are current eligible riders of METRO ParaCruz.
- 2.02 This Regulation serves in conjunction with METRO's ParaCruz Customer Guide as METRO's Official Paratransit Plan. METRO's Official Paratransit Plan shall be available upon request and shall be posted on METRO's website.

### **III. PROCESS FOR AMENDMENT TO METRO's OFFICIAL PARATRANSIT PLAN**

- 3.01 When in the opinion of the General Manager, a modification or change to METRO's Official Paratransit Plan is required and/or necessary, public input regarding the proposed amendment will be obtained before the matter will be presented to the METRO Board of Directors for action.
- 3.02 METRO staff will review the proposed modifications with METRO's Advisory Committee (MAC) and shall provide the Board of Directors with its comments and recommendations.
- 3.03 METRO staff will also review the proposed change(s) and obtain input from the designated ParaCruz stakeholders. The review of the proposed change(s) and request for input may be made in person or through written correspondence. These stakeholders are designated as follows:
- a. Elderly and Disabled Transportation Advisory Committee and
  - b. Such other community based organizations as designated by the METRO Board of Directors.
- 3.04 METRO will also schedule, at a minimum, at least one public hearing in which METRO staff review the proposed change(s) with the public and obtain their input. METRO shall provide adequate notice of the hearing to the public, by advertisement in a newspaper of general circulation and posting of such notification on METRO's website.
- 3.05 Input received from the public through the outreach process identified above will be presented to the METRO Board of Directors together with METRO staff recommendations.

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### IV. ELIGIBILITY CRITERIA

3.014.01 The Manager of Operations or his/her designee shall determine whether an individual applying for METRO ParaCruz can use the fixed route service depending on his/her own circumstances.

3.024.02 The eligibility process shall ensure that only persons who meet the federal regulatory criteria, strictly applied, shall be certified as METRO ParaCruz eligible.

3.034.03 When a person applies for the METRO ParaCruz, the Manager of Operations or his/her designee shall provide all the needed forms and/or instructions. These forms and instructions may include a declaration of whether the individual travels with a personal care attendant (PCA).

3.044.04 All documents concerning eligibility will be made available in one or more accessible formats, on request. Accessible formats include computer disks, Braille documents, ~~audiocassettes~~ **compact disk (CD), and large print documents format.** **These documents will also be made available in Spanish upon request.** A document does not necessarily need to be made available in the format a requester prefers, but it does have to be made available in a format the person can use.

3.054.05 Should an applicant have an immediate need for METRO ParaCruz services before he/she has the time to submit to an assessment eligibility determination, the Manager of Operations or his/her designee may certify the applicant on **an immediate needs temporary** basis. This immediate needs certification shall be provided in only a limited number of cases. Immediate need certification, at a maximum, shall be valid for a period of time not to exceed 14 calendar days from the initial immediate need determination. This immediate needs certification is at the sole discretion of the Manager of Operations or his/her designee and cannot be appealed. The Manager of Operations or his/her designee may require documentation in support of the immediate needs assessment. This certification will be valid until an eligibility determination has been made, preferably within ~~one week~~ seven days. Certification for an immediate need will not be evidence of eligibility for the METRO ParaCruz service.

3.064.06 An individual shall be certified to be eligible for METRO ParaCruz under any of the following circumstances:

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- a. Individuals with a disability who can use an accessible vehicle, but for whom any desired trip cannot be made because the fixed route service they need to use is not yet accessible. This concept is route based, not system based.
- b. An individual with a disability who is unable as the result of a physical or mental impairment and without the assistance of another individual (except the operator of a wheelchair lift or other boarding assistance device) to board, ride, or disembark from any vehicle on the system which is readily accessible to and useable by individuals with disabilities. This includes those who cannot “navigate” the system.
- c. Individuals who have impairment-related conditions that prevent them from getting to or from a boarding or disembarking location. This is intended to be a very narrow exception to the general rule that difficulty in traveling to or from boarding or disembarking location is not a basis for eligibility.

~~3.074.07~~ A disability for purposes of METRO ParaCruz eligibility may be either permanent or temporary.

~~3.084.08~~ An individual may be eligible for METRO ParaCruz whose disability is intermittent.

~~3.094.09~~ METRO ParaCruz eligibility is based on a functional, rather than a medical, model. Persons are not qualified or disqualified on the basis of a specific diagnosis or disability.

~~3.104.10~~ The application of a person’s eligibility will be determined as a practical matter whether the individual can use fixed route service in his/her own circumstances. This is a transportation decision primarily, not a medical decision.

~~3.114.11~~ At the time eligibility for METRO ParaCruz is determined, it will also be decided whether the applicant needs the services of Personal Care Attendant (PCA) when traveling on METRO ParaCruz. In order for the PCA to ride free, the applicant must be registered with METRO ParaCruz as needing a PCA.

~~3.124.12~~ Eligibility for METRO ParaCruz shall be **limited to afor a maximum of three-years-term**. The renewal process shall in most cases be limited to a simple process of a one-page form indicating no changes in functional ability or residential location that would impact the individual’s eligibility status. In some

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cases an in-person assessment will be required at the discretion of the Manager of Operations or his/her designee. An in-person assessment shall only be required for a renewal when documented, known facts and circumstances indicate that the eligible rider is no longer eligible for the service when the source of such information is specifically identifiable and reliable.

4.13 Should an individual allow their eligibility to expire and then desire to utilize METRO ParaCruz services, the application shall be treated as a new application for eligibility. Notwithstanding the foregoing, the entire eligibility list of current METRO ParaCruz eligible riders will undergo a re-certification process beginning on August 1, 2002 in order to determine eligibility of each rider with priority given to the most frequent users. The process utilized shall be as if the individual were making an initial application for paratransit service eligibility as set forth in these procedures except that the individual shall remain METRO ParaCruz eligible until a determination of ineligibility is sustained on appeal or the individual fails to cooperate or participate in the re-certification process. Each individual shall be notified in writing that he/she is required to undergo an in-person assessment of their eligibility status. Any determination made that finds the individual is no longer eligible for paratransit services shall be in writing and is subject to the appeal hearing process as set forth in these procedures.

#### IV.V. ELIGIBLE SERVICE FOR VISITORS

4.015.01 METRO ParaCruz shall be provided to visitors from out of the County of Santa Cruz on the same basis as such service is provided to local residents. A visitor can become eligible for METRO ParaCruz by presenting eligibility documentation from his/her "home" jurisdiction's paratransit system. If the individual has no such documentation, the Manager of Operations or his/her designee shall require proof of visitor status (individual's place of residence) and, if the individual's disability is not apparent proof of the disability. Once this documentation is presented and is satisfactory, METRO ParaCruz will be made available for a maximum of 21 days on the basis of the individual's statement that he/she is unable to use the fixed route transit system. After 21 days, PARACRUZ service will only be provided if the visitor applies for METRO PARACRUZ and is determined to be eligible for such service through the regular eligibility process.

4.025.02 Visitors shall be provided with METRO ParaCruz based on visitor eligibility for no more than 21 days within a floating 365-day period. After 21 days (consecutive or parceled out), the individual must apply for METRO ParaCruz eligibility as provided in these procedures.

**V.VI. APPLICATION AND ELIGIBILITY PROCESS**

5.016.01 To apply for METRO ParaCruz, an applicant shall contact the Manager of Operations or his/her designee and ask to schedule an appointment for an eligibility assessment interview. Interviews normally will take about 30 minutes and shall include a transit evaluation. No application or user fees shall be charged to an applicant. During the assessment, the applicant will be asked eligibility information, travel abilities and needs in detail. An in-person assessment shall take place. The interview will also provide an opportunity for the applicant to ask questions about METRO ParaCruz. At the interview, the applicant may be asked to participate in further assessment, including a functional assessment.

5.026.02 Eligibility assessment interviews will be scheduled at the interview location nearest to the applicant's residence within 7 days of the initial contact. If an individual claims that it would be a hardship to participate in an in-person assessment, the Manager of Operations or his/her designee shall determine how the eligibility process should proceed with consideration given to a paper application process including receipt of a medical certification should circumstances warrant.

5.036.03 Upon request the applicant will be provided with transportation to and from the interview at no cost.

5.046.04 During the interview, the applicant will be asked eligibility information, travel abilities and needs in detail. An in-person assessment shall take place.

5.056.05 The interview will also provide an opportunity for the applicant to ask questions about METRO ParaCruz.

5.066.06 At the interview, the applicant may be asked to participate in further assessment, including a functional assessment.

5.076.07 The eligibility determination shall be in writing and shall be **made postmarked** within ~~seventwo (72)~~ business days of the in-person assessment. **Every effort will be made to notify the applicant of the determination as soon as possible thereafter.**

5.086.08 If for any reason a decision is not made within 21 calendar days, METRO ParaCruz will be provided. Once METRO ParaCruz is provided, it may be terminated only if and when the applicant is found to be ineligible.

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5.096.09 If found to be eligible, a letter of eligibility and an identification card will be provided to the applicant. For those individuals granted eligibility, the documentation of eligibility shall include at least the following information: the individual's name, the name of Santa Cruz ~~Metro~~**METRO**, the telephone number of Santa Cruz ~~Metro's~~**METRO's** paratransit administrator, an expiration date for eligibility and any conditions or limitation on the individual's eligibility including whether the individual requires the use of a PCA.

5.106.10 If found to be ineligible, and therefore denied service, a letter of explanation of ineligibility together with all appeal rights and procedures shall be provided to the applicant. An applicant may also appeal the restricted eligibility of conditional or trip-by-trip. Additional information, that the applicant feels will assist the appeals panel in reconsidering the eligibility decision, should be submitted to the appeals panel for consideration. The reasons set forth for ineligibility or restriction must specifically relate the evidence in the matter to the eligibility criteria. This information will be available upon request in accessible formats including Braille, ~~audiocassette~~, computer disc, **CD, and** large print **format. It will also be available and** in Spanish.

**VI.VII. PROCEDURE FOR INITIATING APPEAL OF ELIGIBILITY DETERMINATION**

6.017.01 Applicants who believe an eligibility determination for METRO ParaCruz was made in error or who disagrees with the original certification decision may appeal the eligibility determination/certification decision within 60 days of the denial of an applicant's application.

6.027.02 Applicants shall complete the attached Appeal Form or shall provide the following information to the Santa Cruz ~~Metro~~**METRO**, although the Appeal Form must be signed by the applicant before or at the hearing to confirm that the contents of the appeal are accurate:

- a. Applicants name, address and phone number;
- b. Reason why the determination was incorrect;
- c. Any information supporting the appeal.

6.037.03 An appeal hearing shall be scheduled within 30 days of receipt of the Appeal with a decision on the appeal provided to the applicant within 10 days of the Appeal Hearing. If an applicant wants to continue the appeal hearing, the hearing will be continued one time. If a decision on the appeal is not rendered within 30 days of the completion of the Appeal hearing, then the Applicant shall be provided with METRO ParaCruz service until a decision of ineligibility on the appeal is rendered.

**VII.VIII. COMPOSITION OF APPEALS PANEL**

7.018.01 A three-member panel will hear each eligibility appeal for METRO ParaCruz. Each panel will include the General Manager or his/her designee, a **METRO Advisory Committee (MAC)** MASTF appointed representative, and an individual who works with persons with disabilities. The **District Counsel** ~~Manager of Operations or his/her designee will recruit and provide training~~ **on an annual basis** for a sufficient number of potential panel members to assure the ability to schedule appeals meetings as often as needed. Training for appeals panel members will focus upon Federal ADA paratransit eligibility criteria and upon the procedures for conducting an appeals hearing. Each panel member will receive \$25.00 per appeal hearing except METRO employees.

7.028.02 The eligibility appeal panel members shall keep the information pertaining to an individual's appeal confidential including all medical information unless ordered by a court of competent jurisdiction to release the information. Santa Cruz METRO shall be permitted to utilize information provided during the eligibility and appeal process or generated as a result of the eligibility and appeal process to defend a determination rendered by the appeals panel.

7.038.03 This appeal panel may also be used for other METRO ParaCruz service issues including declaring a METRO ParaCruz rider ineligible for service, suspending METRO ParaCruz service and "NO Show" determinations.

**VIII.IX. ROLE OF THE MANAGER OF OPERATIONS**

8.019.01 The Manager of Operations or his/her designee will act as host at the appeal hearing and will provide administrative support for each appeal meeting **hearing**, but will not directly participate in the deliberations and determinations made by the panel. The Manager of Operations or his/her designee will be responsible for the following:

- a. Receiving appeals from applicants.
- b. Scheduling appeals hearings within thirty days of the initiation of the appeal.
- c. Notifying panel members and applicants of the date, time and place for scheduled appeal hearings.
- d. Arranging free transportation to and from the appeals hearings for all applicants who request it.

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- e. Maintaining accurate records of appeals activities, including final determinations and statements of justification for each determination.
- f. Providing written notice for applicants of the appeal determination within ten (10) days of the appeal hearing.
- g. Attending the Appeals Hearing (consistent with the requirements of Section 9.03), explaining METRO's eligibility determination and responding to questions of the Appeals Panel.**

## **IX.X. HEARING PROCEDURES**

9.0110.01 Each appeal panel member will receive a copy of the **certification eligibility assessment** records for each applicant making an appeal. Applicants will be welcome to submit written documentation of their choosing in support of the appeal. Applicants **must attend the appeal hearing and answer questions posed by the appeal panel.** **Applicant will, however,** have the right to be assisted by any person of their choosing at the appeal hearing.

9.0210.02 To help assure that appeals hearing are non-threatening, one member of the appeals panel will be designated as chair for each appeal **hearing**. That panel member will be primarily responsible for asking questions and conducting the appeal hearings in a professional and friendly manner. Any panel member may ask questions or seek clarifications as needed, but, for the most part, the chair will be responsible for directly communicating with the applicant and/or advocate. When necessary the appeal panel may refer the applicant for a functional reassessment to determine eligibility.

9.0310.03 The chair will welcome all participants for each appeal hearing. The following process will be followed:

- a. Following introductions, the chair will invite the Manager of Operations or his/her designee, who acts as host, to summarize the nature of the ADA paratransit eligibility criteria and the basis for the determination.
- b. The Manager of Operations or his/her designee shall present any oral or written evidence in support of the determination, however, all written evidence must be provided to the applicant at least ten (10) days in advance of the hearing.
- c. The applicant can request that the individual hosting the ParaCruz eligibility determination not remain in the hearing after the initial

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presentation. The Appeals Panel shall decide whether to grant the request after allowing the parties to address the request.

- d. The applicant and/or his/her advocate will then have an opportunity to state why he/she disagrees with the original determination.
- e. The remainder of the appeals evaluation will be conducted by asking a series of open-ended questions that focus on aspects of the functional ability of applicants to use accessible public transit services in Santa Cruz.

### X.XI. APPEALS CHECKLIST

~~10.01~~11.01 To help insure fairness and consistency, a checklist of issues will be reviewed by the members of the appeal panel at the commencement of the appeal hearing and those questions will be asked of the applicant and/or the advocate if applicable. The chair may phrase specific questions in any manner that seems appropriate or helpful given the apparent communication abilities of the applicant and the particular issues that arise.

~~10.02~~11.02 The issues that will be addressed at each appeal hearing, if applicable, will include:

- a. Confirm information collected during ~~certification interview~~the eligibility determination assessment:

Name  
Address and Phone  
Condition  
Mobility Device

- b. Is the applicant able to independently walk or wheel to and from bus stops?
- c. Is the applicant able to board/deboard an accessible bus (using stairs, a ramp, or a lift)?
- d. Is the applicant able to ride the bus, whether as a standee, or only if seated, or only if seated and secured?
- e. Is the applicant able to collect and understand transit route information?
- f. Is the applicant able to count and handle money to pay bus fare including bills and coins?
- g. Are there any special circumstances that sometimes would prevent the applicant from completing a desired bus trip?

**METRO ParaCruz Service Eligibility and Appeals Process**  
**Effective: 7/26/02**

10.0311.03 The appeal hearing chairperson will invite the applicant and/or his/her advocate to make any additional statements regarding factors that may prevent the applicant from independently using accessible transit services.

10.0411.04 Following all questions and statements the chairperson will thank the applicant and his/her advocate for their cooperation. Afterwards, the three-member panel will deliberate in private and seek to reach by consensus an appropriate determination. If consensus is not possible, then the determination will be based on a vote of at least two to one, to sustain the initial decision of denial, restricted conditional or restricted trip-by-trip eligibility. The determination of the appeals panel shall be final. The Chair shall prepare a written decision ~~which~~ **decision, which** shall set forth the decision and the written and oral evidence that was considered by the panel including the reasons why the appeal was denied if that is the decision. A copy of the written decision shall be provided to the applicant.

**METRO ParaCruz Service Eligibility and Appeals Process**  
**Effective: 7/26/02**

**ADA PARACRUZ SERVICE ELIGIBILITY APPEAL FORM**

TO: METRO ParaCruz Eligibility Coordinator Manager of Operations  
METRO Center Santa Cruz METRO  
920 Pacific Avenue, Suite 21 1200 River Street  
Santa Cruz, CA 95060

Name of Applicant: \_\_\_\_\_

Address of Applicant: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Mailing Address (if different from above): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Reason Why the Determination was Incorrect: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Applicant's Signature or Parent's Signature if  
Applicant is a Minor

\_\_\_\_\_  
Date

\* ATTACH ANY SUPPORTING DOCUMENTATION THAT YOU WISH THE  
APPEAL PANEL TO CONSIDER.

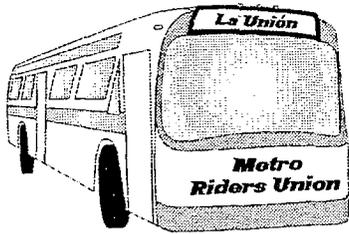
8.012

**SUMMARY OF PROPOSED CHANGES TO  
METRO PARACRUZ SERVICE ELIGIBILITY AND APPEALS PROCESS  
REGULATION**

**Attachment B**

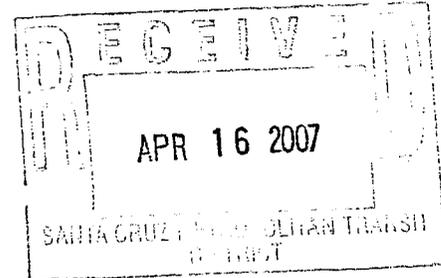
Section #	Proposed Modifications	Explanations
1.01	Capitalization of "METRO" throughout the document.	The Santa Cruz Metropolitan Transit District is making efforts to identify itself as "METRO."
2.02	Adding language to identify document as part of METRO's Paratransit Plan. Language is being added to require that METRO's Paratransit Plan be posted at METRO's website.	Insures that document is identified and kept updated as part of METRO's Paratransit Plan. METRO's Customer Guide already is considered METRO's Paratransit Plan. Providing service not in accordance with the Paratransit Plan is considered prohibited discrimination.
3.01-3.04	Adding section to establish process for amendments to METRO's Official Paratransit Plan	Language is being added to set forth a standard process for amendments to METRO's Paratransit Plan, which includes a public process.
4.04	Deleting "audiocassettes" in favor of "compact disk (CD)". Also adding that documents will also be made available in Spanish upon request.	Information re eligibility will be made available in various accessible formats upon request.
4.05	Deleting "assessment" in favor of "eligibility determination" in effort to be consistent.	Language is being modified for consistency.
4.12	Language added to clarify that an individual is certified as eligible for a maximum of 3 years. Adding language: "An in-person assessment shall only be required for a renewal when documented, know facts and circumstances indicate that the eligible rider is no longer eligible for the service when the source of such information is specifically identifiable and reliable."	Language is being added to clarify that the certification period is for a maximum of three years. Language is being added to clarify when an in-person re-certification may be required.
4.13	Deleted entire paragraph. Adding language, "Should an individual allow their eligibility to expire and then desire to utilize METRO ParaCruz service, the application shall be treated as a new application for eligibility."	Language is being deleted that is no longer applicable. Language is being added to explain that if eligibility determination lapses, the rider will have to submit a new application.
5.01	Added language, "After 21 days, PARACRUZ service will only be provided if the visitor applies for METRO ParaCruz and is determined to be eligible for such service through	Language is being added to clarify that Visitors will be eligible for ParaCruz service for 21 days and then must participate in METRO's eligibility assessment to continue use of the service.

	the regular eligibility process.”	
5.02	Language added, “within a floating 365-day period.”	This language is being added to provide clarification as allowed by the federal regulations.
6.02	Deleting language, which indicated that there was more than one interview location. Eliminating “hardship” request language for eligibility process to be modified from in-person assessment.	Language re locations is being deleted because there is only one location for eligibility interviews at this time. No rider has ever received a hardship determination to avoid compliance with the in-person assessment.
6.04-6.06	Language moved and consolidated in Section 6.01	Language more appropriate in Section 6.01.
6.07	Language added to change from 2 days to 7 days provided for eligibility determination	The eligibility determination process takes a minimum of seven days rather than only two days.
8.01	Language to identify MAC as an appointing authority to Appeals Panel included. Language added re training of Appeals Panel.	MASTF is being replaced with MAC as an appointing authority to the Appeal Panel; District Counsel is being assigned to provide training to the Appeals Panel on an annual basis.
9.01	Language added to require attendance and participation of Manager of Operations or his/her designee at the explaining METRO’s eligibility determination and responding to questions of the Appeals Panel.”	Language is being added to clarify the duties of the Manager of Operations and/or his/her designee during the Appeals Hearing.
10.01	Language added, [Applicant] “must attend the appeal hearing and answer questions posed by the Appeal panel.”	The applicant will be required to attend the Appeal Hearing giving the Appeals Panel the opportunity to ask questions directly of the Applicant and make its determination from direct evidence rather than hearsay. The Applicant may bring a person to the hearing for support and/or assistance.
10.02	The word, “hearing” is added to clarify that the appeal was an appeal hearing.	Language is being added for clarification. The content of the section is not being changed.
10.03	No new language is being added, rather format changed for easier reading.	No explanation necessary.
11.02	The language “Certification interview” was changed to “the eligibility determination assessment.”	Language is being added for clarification and consistency.



The Metro Riders Union  
La Unión de Los Pasajeros

Post Office Box 1402  
Santa Cruz California 95061  
www.iridethebus.org  
info@metroridersunion.org  
(831) 421-9031



April 16, 2007

Board of Directors  
c/o Ms. Cindi Thomas,  
Administrative Services Coordinator  
Santa Cruz Metropolitan Transit District  
370 Encinal Street Suite 100  
Santa Cruz California 95060

## Re: Opposition to Proposed Lax ADA Paratransit Recertification Policy

To the Board of Directors:

Metro knows from experience that letting ADA paratransit customers decide their own eligibility leads to over-certification, over-spending on paratransit, and reduction of bus service. The Metro Riders Union urges Metro to reconsider the changes to Sections 3.12 and 3.13 of the ADA paratransit eligibility policy that were proposed in the April 13, 2007 staff report. As surely as it is Metro's duty to "strictly limit ADA paratransit eligibility to individuals specified" [49 CFR 37.125(a), emphasis added], it is Metro's right to "require recertification of the eligibility of ADA paratransit eligible individuals at reasonable intervals" [49 CFR 37.125(f)]. But the proposed changes undermine this duty and this right by putting the onus on Metro to discover information that would alter a customer's eligibility, before Metro can call the customer in for an assessment!

How will Metro discover such information? A risky suggestion was offered at the April 13 board meeting: that paratransit operators report their observations about customers (in addition to the current, and necessary, practice of reporting changes in "seating type"). Not only does this suggestion turn operators into eligibility workers, but it flies in the face of what we know about the right way to work with people who have disabilities. It is inappropriate to make assumptions about what a person can or cannot do. If operators reject this risky duty, as they should, there will be no flow of new information to Metro. By checking the right box on the "simple ... one-page form", ADA paratransit customers will remain eligible forever, as was the past practice.

An in-person functional assessment is the right way for Metro to discover information that would alter a customer's eligibility. (A functional assessment involves determining what a customer can or cannot do, through an in-person interview with a specialist in ADA paratransit regulations.) Accordingly, Metro should conduct in-person functional assessments for a random sample of ADA paratransit customers — if not for all ADA paratransit customers — every three years. If sampling is used, the sample should be large enough that the results will be statistically valid.

8.c1

Page 2  
Board of Directors  
April 16, 2007

At its April 1, 2004 meeting, the Santa Cruz County Regional Transportation Commission established a 24-member Paratransit Coordination Task Force and invited the Riders Union to appoint one member. The Task Force met monthly from May, 2004 through February, 2005, and as the Riders Union appointee, I saw first-hand how contentious the issue of ADA paratransit recertification had become. I also came to understand what was at stake: ADA paratransit costs Metro \$25+ per person-trip, whereas bus service costs \$5 per person-trip (and even less on productive routes like UCSC - Santa Cruz, Santa Cruz - Watsonville, or Highway 17).

The ADA paratransit roll had peaked at 10,000 customers in July, 2002. Some members of the Paratransit Task Force wanted a return to those 'good old days', when a handwritten note was sufficient to establish and maintain eligibility. Metro's former Manager of Operations, Mr. Bryant Baehr, recounted the handwritten note story and said that he had only found one instance of a person's being turned down in the history of the program!

Recertification with in-person assessment reduced the roll to 3,200 customers by June, 2004 (see attached). Of course, many former customers had moved away or died. Others had voluntarily left the program upon learning that Metro intended to enforce the eligibility criteria stipulated in ADA regulations. Still, 3.6% of customers who wanted to continue were found to be ineligible.

To put this result in perspective, next year's operating budget for ADA paratransit is \$3.9 million, not including headquarters overhead. If a complete recertification were conducted and 3.6% of customers happened to be ineligible, up to \$140,000 would be saved — enough to restore a weekday daytime bus route. This brings up another important point: being found ineligible for ADA paratransit does not make a person a shut-in; the person is able to use the bus by definition, preference and convenience considerations notwithstanding.

Correct eligibility decisions require good personnel, and Metro has so far been very fortunate in this regard. Key players include Mr. Les White, Ms. Margaret Gallagher, Mr. Ciro Aguirre, and Mr. Steve Paulson, who provide policy advice and implement the policies you approve; Mr. Mark Dorfman, who serves on the eligibility appeals panel; and Ms. Eileen Pavlik, who conducts the assessment interviews. As much as I would like it, none of these employees will be with Metro forever. It is likely that initial eligibility decisions will become less strict over time, as inevitable personnel transitions occur. And changes in a customer's situation can occur at any time. Conducting in-person functional assessments at regular intervals is the best way to ensure that the ADA paratransit roll will always include only those who are eligible.

Thank you for considering these comments.

Yours truly,

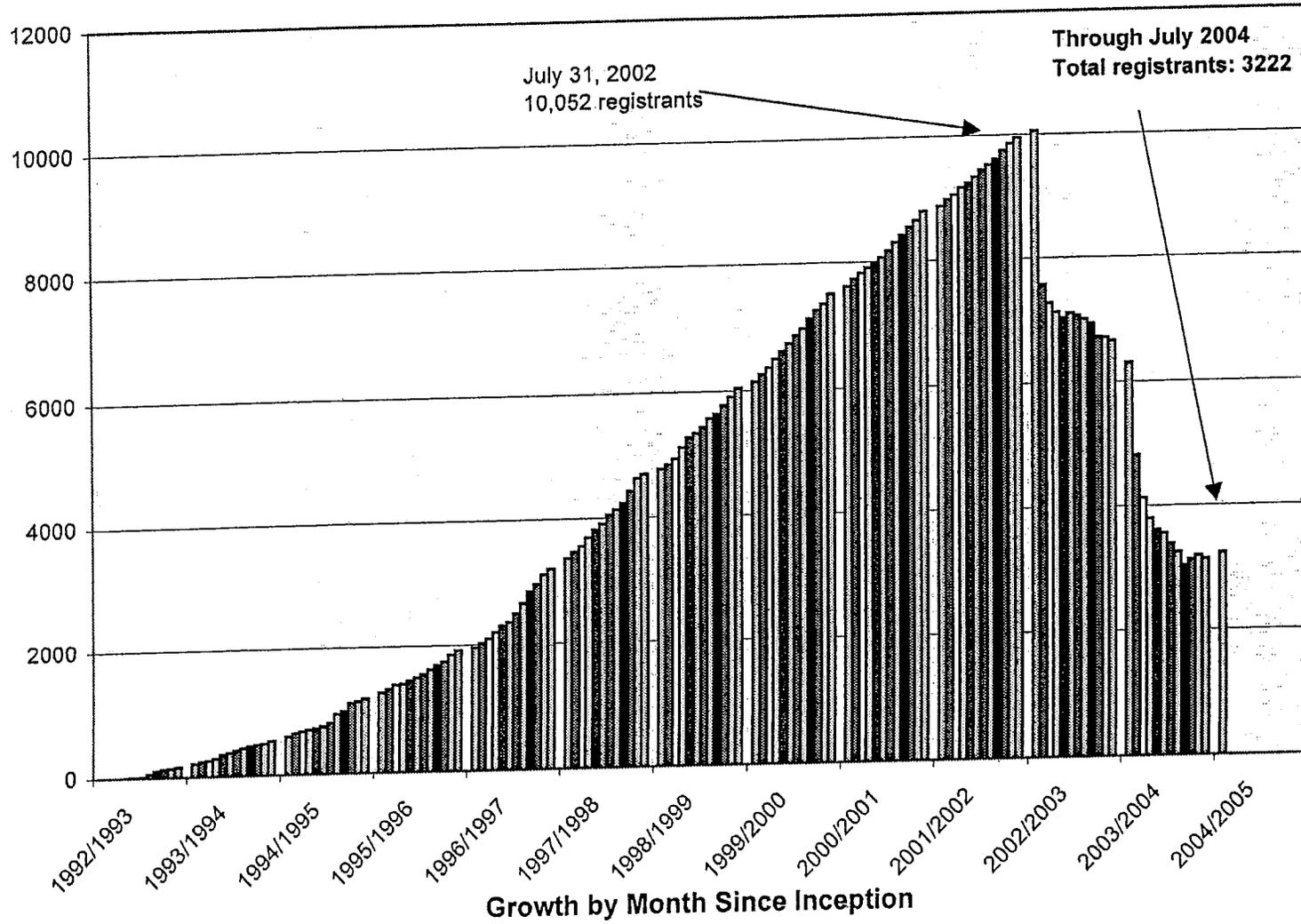
*R. Paul Marcellin-Sampson*

Mr. Regis Paul Marcellin-Sampson

Attachment

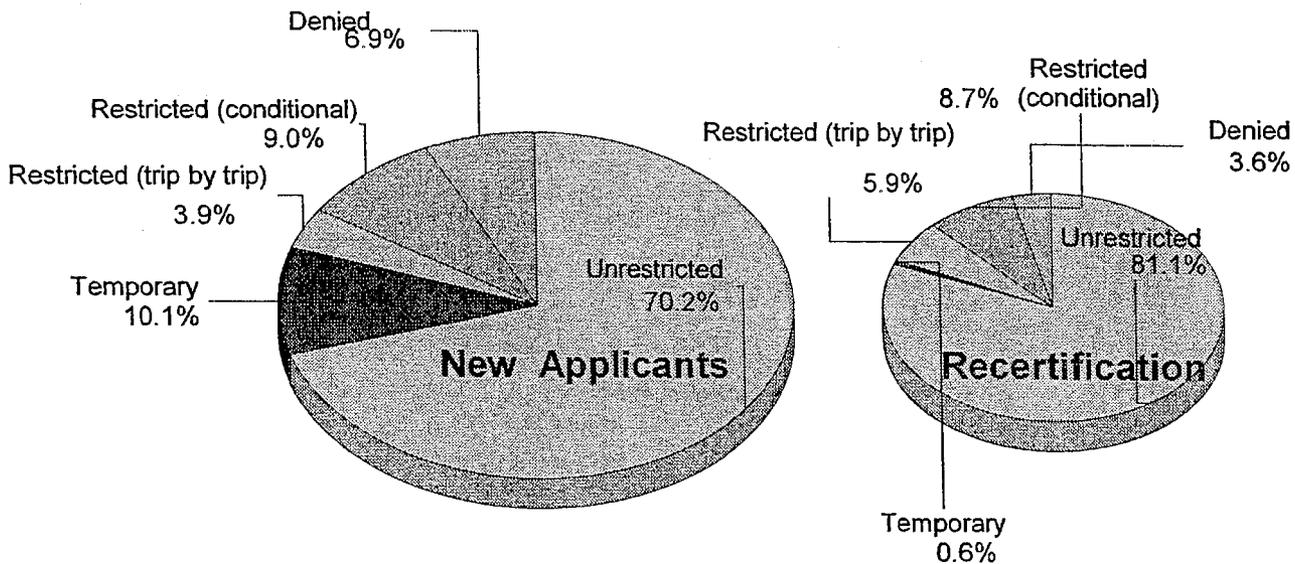
8.c2

# METRO ParaCruz Registrants



8.23

# METRO ParaCruz Eligibility Determinations - Aug 1 02 through July 31 04



## New Applicants

Unrestricted	1520
Temporary	218
Restricted (trip by trip)	84
Restricted (conditional)	194
Denied	150
<b>Group Total:</b>	<b>2167</b>

## Recertification

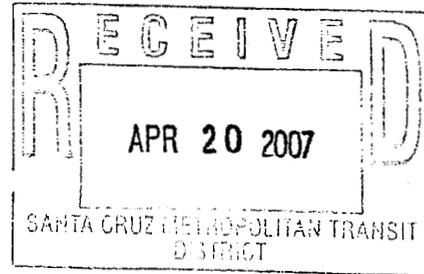
Unrestricted	1151
Temporary	9
Restricted (trip by trip)	84
Restricted (conditional)	124
Denied	51
<b>Group Total:</b>	<b>1419</b>

**Grand Total:** **3584**

8.c4

April 20, 2007

Santa Cruz Metropolitan Transit District  
370 Encinal Street, Suite 100  
Santa Cruz, CA 95060



**RE: E & DTAC Eligibility and Appeals Process**

Dear Santa Cruz Metro Transit District Board:

The Area Agency on Aging Advisory Council of Santa Cruz and San Benito Counties requests that the METRO Board of Directors not take action on proposed changes to the ParaCruz program policies until such changes have been reviewed by organizations representing seniors and the disabled community.

More specifically, the AAA Advisory Council is concerned Metro is once again changing rules without any notice or opportunity for comment from the Santa Cruz County Elderly and Disabled Transportation Advisory Committee (E&DTAC).

The AAA Advisory Council has a federal mandate to represent the elderly, including those who most desperately need reliable and safe transportation. Not allowing E&DTAC any opportunity to comment on proposed changes by the Metro Board puts seniors and individuals with disabilities at an unfair risk within the community. Despite the established protocol of SCTMD discussing changes to ParaCruz or other senior-related services with E&DTAC, changes continue to occur without any such discussion or notice. Seniors, individuals with disabilities, and their representatives must be included in policy discussions regarding services being provided to meet their unique needs.

We request that SCMTD solicit E & DTAC feedback before considering the ParaCruz policy changes contained in the April 13<sup>th</sup> SCMTD Board Packet. To ensure proper notification to seniors, the AAA Advisory Council also requests to receive advance notification of any current and/or future changes to ParaCruz services.

Thank you very much for your time. It is greatly appreciated and we look forward to your response.

Sincerely,

Bud Winslow, Chair  
AAA Advisory Council

*B.d.l*

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**DATE:** May 25, 2007

**TO:** Board of Directors

**FROM:** Leslie R. White, General Manager

**SUBJECT: CONSIDERATION OF AN AGREEMENT WITH THE CITY OF WATSONVILLE FOR THE PROVISION OF TRANSIT SERVICE BETWEEN THE WATSONVILLE TRANSIT CENTER AND THE SANTA CRUZ COUNTY FAIRGROUNDS**

## I. RECOMMENDED ACTION

**That the Board of Directors authorize the General Manager to enter into an Agreement with the City of Watsonville to provide transit service between the Watsonville Transit Center and the Santa Cruz County Fairgrounds.**

## II. SUMMARY OF ISSUES

- The City of Watsonville is requesting the provision of transit service between the Watsonville Transit Center and the Santa Cruz County Fairgrounds.
- The requested transit service would operate from September 11, 2007 to September 16, 2007.
- The estimated variable operating cost per hour for METRO is \$71.40 for next fiscal year.
- The City of Watsonville has indicated that it will pay a route guarantee for the cost of the route less the revenue collected.
- The specific frequencies and route would be determined by METRO in consultation with the City of Watsonville and the County Fair.
- Regular METRO fares will be collected on the route.

## III. DISCUSSION

The City of Watsonville has indicated that it would like to request that Santa Cruz METRO operate a route to the Santa Cruz County Fair. The service would operate from the Watsonville Transit Center to the County Fairgrounds. The regular METRO fare structure will apply to the bus route, that would operate from September 11 – 16, 2007. The estimated cost for the operation of the service is \$71.40 per hour for the next budget year, when the service would operate. Watsonville would be paying a route guarantee, paying the deficit after fares are collected.

The specific route and frequencies will be determined by METRO in consultation with the City of Watsonville and the County Fair. Through the operation of this route, METRO ParaCruz

service will be available to the County Fair. In the past few years, this has been an issue for riders that are unable to get to the County Fair through other means.

Staff recommends that the Board of Directors approve the request for shuttle service from the City of Watsonville and authorize the General Manager to sign a Letter of Agreement with the City of Watsonville.

#### **IV. FINANCIAL CONSIDERATIONS**

The City of Watsonville will reimburse METRO for the variable cost at an estimated rate of \$71.40 per hour, less any revenues collected.

#### **V. ATTACHMENTS**

**Attachment A:** Letter from the City of Watsonville, May 3, 2007.

**CITY OF WATSONVILLE**

*"Opportunity through diversity, unity through cooperation"*



ADMINISTRATION  
BUILDING  
215 Union Street  
Second Floor  
Fax 831.761.0736

MAYOR & CITY COUNCIL  
215 Union Street  
831.768.3008  
CITY MANAGER  
831.768.3010  
CITY ATTORNEY  
831.768.3030  
CITY CLERK  
831.768.3040  
PERSONNEL  
831.768.3020

CITY HALL OFFICES  
250 Main Street  
COMMUNITY DEVELOPMENT  
831.768.3050  
Fax 831.728.6173  
FINANCE  
831.768.3450  
Fax 831.763.4066  
PUBLIC WORKS & UTILITIES  
831.768.3100  
Fax 831.763.4065  
PURCHASING  
831.768.3461  
Fax 831.763.4066  
REDEVELOPMENT & HOUSING  
831.768.3080  
Fax 831.763.4114

AIRPORT  
100 Aviation Way  
831.768.3480  
Fax 831.763.4058

FIRE  
115 Second Street  
831.768.3200  
Fax 831.763.4054

LIBRARY  
310 Union Street  
831.768.3400  
Fax 831.763.4015

PARKS & COMMUNITY SERVICES  
30 Maple Avenue  
831.768.3240  
Fax 831.763.4078

May 3, 2007

Mr. Les White, General Manager  
SCMTD  
370 Encinal Street, Suite 100  
Santa Cruz, CA 95060

RE: Transit Service to Santa Cruz County Fair

Dear Les,

It is our understanding that the Santa Cruz County Fair (Fair) has discussed with SCMTD the possibility of transit services to the fairgrounds during this year's county fair, September 11<sup>th</sup> through the 16<sup>th</sup>. The service would be a regular bus route rather than a free shuttle, and would include ParaCruz services for eligible individuals. This would replicate the service that had been available to the Fair in previous years, prior to SCMTD's service reduction in this area.

The City of Watsonville has received a letter (*enclosed*) from the Santa Cruz County Fair CEO, Yvette Jordan, indicating that the Fair is prepared to make up the difference between the revenue collected from fixed route transit fares, and the hourly cost of bus operations. Given the commitment by the Fair, the City of Watsonville is requesting that SCMTD agree to provide this service, at no cost to SCMTD.

The County residents will have improved access to the fairgrounds during this week, and riders using ParaCruz will be able to attend the fair once again.

If you have any questions, please do not hesitate to contact me at 768-3012.

Sincerely,

*Marcela Tavantzis*  
Marcela Tavantzis, P.E.  
Assistant City Manager

9.21

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**DATE:** May 25, 2007

**TO:** Board of Directors

**FROM:** Frank L. Cheng, Project Manager

**SUBJECT: CONSIDERATION OF AN AMENDMENT TO THE CONTRACT WITH RNL DESIGN, INC. IN THE AMOUNT OF \$52,888.00 FOR THE SERVICES OF COTTON, SHIRES & ASSOCIATES TO PROVIDE GEOTECHNICAL CONSTRUCTION OBSERVATION AND TESTING FOR THE MAINTENANCE BUILDING CONSTRUCTION OF THE METROBASE PROJECT.**

## I. RECOMMENDED ACTION

**That the Board of Directors authorize the General Manager to execute an amendment to the contract with RNL Design, Inc. in the amount of \$52,888.00 to provide geotechnical construction observation and testing services for the Maintenance Building Construction of the MetroBase Project.**

## II. SUMMARY OF ISSUES

- On November 27, 2006, METRO began construction on the Maintenance Building.
- METRO requested RNL Design, Inc. for a quote for inspection services for soils testing anticipated for the building construction.
- RNL Design, Inc. received a quote in the amount of \$52,888.00 from Cotton, Shires & Associates for construction observation and geotechnical services.

## III. DISCUSSION

On November 27, 2006, METRO began construction on the Maintenance Building for the MetroBase Project. METRO requested RNL Design, Inc. solicit quotes for inspection services for the anticipated pile foundation construction. Cotton, Shires & Associates performed the soils work for RNL Design team and have provided a preliminary budget estimate for geotechnical construction observation and testing services for METRO.

The estimate was created with the following variables:

- 1) site and pad grading
- 2) excavating isolated and grade beam footings
- 3) installing subdrains
- 4) preparing slab-on-grade subgrade
- 5) placing capillary break material
- 6) preparing pavement (concrete and AC) subgrade
- 7) placing and compacting Class 2 Aggregate Baserock

- 8) backfilling utility trenches
- 9) excavating footings
- 10) installing retaining wall backdrains and backfilling retaining walls

A chart describing the items above with the cost associated to them is provided in attachment A. The estimate of \$52,888.00 is based on intermittent inspection for all geotechnical-related contractor scheduled tasks. Only the actual hours spent on the tasks above will be invoiced.

Staff has analyzed the Cotton, Shires & Associates proposal and recommends that the Board of Directors approve the cost associated with geotechnical construction observation and testing services.

#### **IV. FINANCIAL CONSIDERATIONS**

The approval of the contract amendment will require the obligation of \$52,888.00 in funds from the MetroBase Project budget that are available for this purpose.

#### **V. ATTACHMENTS**

**Attachment A:** RNL Letter referencing Cotton, Shires & Associates Scope of Services Letter



December 19, 2006

Mr. Frank Cheng  
MetroBase Project Manager  
Santa Cruz Metropolitan Transit District  
370 Encinal Street, Suite 100  
Santa Cruz, CA 95060

Re: MetroBase Phase I – Additional Services Proposals  
Geotechnical Construction Observation & Testing  
for Maintenance Building Bid-Package

Dear Frank:

This proposal for additional services is being submitted in response to the Districts request for Geotechnical services and soils testing, provided by Cotton-Shires & Associate, be included in RNL's contract fee. Attached is Cotton-Shire's proposal dated December 8, 2006.

RNL will provide the above Additional Services for the Maintenance Building Bid Package for the additional fee of fifty-two thousand, eight hundred and eighty-eight dollars (\$52,888). This includes Cotton-Shires fee for services and RNL's administration of these construction testing services.

If you have any questions, please do not hesitate to contact me. We await your questions or a written Authorization to Proceed with this work.

Sincerely,

Charles E. Boxwell, AIA  
Associate Principal

Cc: Les White  
Mark Dorfman  
Pat McKelvey

Los Angeles  
800 Wilshire Boulevard  
Suite 400  
Los Angeles, CA 90017  
P: 213 955 9775  
F: 213 955 9885  
[www.RNLdesign.com](http://www.RNLdesign.com)

Denver  
1915 Arapahoe Street  
Tower 5, Suite 700  
Denver, CO 80202  
P: 303 955 1717  
F: 303 292 0845

Phoenix  
1480 North 12<sup>th</sup> Street  
Suite 200  
Phoenix, AZ 85014  
P: 602 212 1941  
F: 602 212 0906



December 8, 2006

E0024E

By FAX (213) 955-9885 and Mail

Mr. Charles Boxwell, AIA  
RNL Design  
800 Wilshire Blvd., Suite 400  
Los Angeles, California 90017

RECEIVED  
DEC 11 2006  
RNL DESIGN

**SUBJECT: Budget Estimate - Geotechnical Construction Observation and Testing Services**

**RE: Santa Cruz Metropolitan Transit District (SCMTD) – MetroBase Maintenance Building, Santa Cruz, California**

REFERENCE: Santa Cruz Metropolitan Transit District Maintenance Building, plans dated June 29, 2006.

Dear Mr. Boxwell:

We are providing you with this preliminary budget estimate for geotechnical construction observation and testing services for the Santa Cruz Metropolitan Transit District (SCMTD) MetroBase Maintenance Building in Santa Cruz, California. To date, we have not been provided with the contractor's construction schedule. We assume that in the near future, the General Contractor will prepare a complete construction schedule, and at that time we will provide you with a more accurate budget estimate.

We understand that the planned, geotechnically-related construction for the SCMTD Service Facility includes the following: 1) site and pad grading; 2) excavating isolated and grade beam footings; 3) installing subdrains; 4) preparing slab-on-grade subgrade; 5) placing capillary break material; 6) preparing pavement (concrete and AC) subgrade; 7) placing and compacting Class 2 Aggregate Baserock; 8) backfilling utility trenches (including 500 lineal feet of 18-inch diameter storm drain); 9) excavating footings for roughly 450 to 500 lineal feet of site retaining walls; and 10) installing retaining wall backdrains and backfilling retaining walls. The following table presents our estimated hours for observing and testing the above geotechnically-related work and is based on our experience on similar projects.

<u>Task</u>	<u>Estimated Hours</u>	<u>Hourly Rate</u>	<u>Cost</u>
Meetings	6	180	\$1,080
Site and Pad Grading - Observation and Testing	40	85	\$3,400
Excavating Footings and Grade Beams - Observation	40	85	\$3,400
Installing Subdrains - Observation	16	85	\$1,360
Preparing Slab-on-Grade Subgrade - Observation and Testing	32	85	\$2,720
Placing Capillary Break Material - Observation	8	85	\$680
Preparing Pavement Subgrade - Observation and Testing	32	85	\$2,720
Placing and Compacting Class 2 AB - Observation and Testing	40	85	\$3,400
Backfilling Underground Utilities - Observation and Testing	80	85	\$6,800
Excavating Retaining Wall Footings - Observation	20	85	\$1,700
Installing Retaining Wall Backdrain - Observation	20	85	\$1,700
Installing Retaining Wall Backfill - Observation and Testing	40	85	\$3,400
Vehicle and Nuclear Gauge Charges			<u>\$3,790</u>
		<b>Subtotal Field</b>	<b>\$36,150</b>

10.23

Office Support – Review Submittals (RFI), Supervision, QA/QC Progress Letters, Consultation, Construction Report	33% of Field	<u>\$11,930</u>
	<b>Estimated Total</b>	<b>\$48,080</b>

This budget estimate of \$48,080 is based on intermittent inspection for all geotechnically-related contractor scheduled tasks, except for full-time inspection for grading (backfilling and compaction) and should be used for budgeting purposes only and a significant contingency (i.e., on the order of 20 to 25 percent) should be added to this estimate to account for delays beyond our control, including the weather, the Contractors' schedule and ability, and other factors. Ultimately, our time spent on site will be determined by the Contractors' schedule and competency, and if the Contractor is able to undertake several tasks simultaneously, our time could be reduced. As usual, you would only be invoiced for the actual hours spent for these tasks. As we previously indicated, when we receive the Contractor's construction schedule, we will prepare a more accurate budget estimate. If, during the course of construction, it appears that our estimated budget will be exceeded, we will inform you so that additional written authorization can be obtained prior to completion of the work.

Concrete and asphaltic concrete testing should be provided by others.

#### Agreement

If you agree with the Scope of Work and budget estimate outlined above, as well as the attached Schedule of Charges, Limitations, and Terms, please sign one copy of this proposal and return it to our office. Receipt of the signed proposal will constitute authorization for us to proceed.

#### Limitations

Our services consist of professional opinions and conceptual recommendations made in accordance with generally accepted engineering geology and geotechnical engineering principles and practices. No warranty, expressed or implied, or merchantability or fitness, is made in or intended connection with our work, by the proposal for consulting or other services, or by the furnishing of oral or written reports or findings.

10.24

If you have any questions, or need additional information, please contact us.

Very truly yours,

**COTTON, SHIRES And ASSOCIATES, INC.**



David T. Schrier  
Associate Geotechnical Engineer, GE 2334

Reviewed By:   
Ted Sayre, Associate Engineering Geologist  
CEG 1795

\_\_\_\_\_  
Approved and Authorized By

\_\_\_\_\_  
Date

Attachment: Schedule of Charges, Limitations and Terms

DTS:POS:TS:st

10.25

**COTTON, SHIRES AND ASSOCIATES, INC.**

**SCHEDULE OF CHARGES, LIMITATIONS AND TERMS FOR PROFESSIONAL SERVICES (Page 1 of 2)**

March 2006

**Personnel Charges**

Principal Geologist/Engineer .....	\$ 240/hr
Associate Geologist/Engineer .....	\$ 180/hr
Supervising Geologist/Engineer .....	\$ 155/hr
Senior Geologist/Engineer .....	\$ 135/hr
Senior Staff Geologist/Engineer .....	\$ 125/hr
Staff Geologist/Engineer .....	\$ 110/hr
Field/Laboratory Technician .....	\$ 85/hr
Technical Illustrating .....	\$ 75/hr
Clerical/Accounting .....	\$ 60/hr

**Equipment and Supply Charges**

Inclinometer System .....	\$ 150/day
Piezometer Data Acquisition System .....	\$ 75/day
Total Station Surveying Equipment .....	\$ 200/day
Laser Level Surveying Equipment .....	\$ 100/day
Nuclear Moisture Unit Weight Gauge .....	\$ 100/day
Rope Climbing Safety Equipment .....	\$ 200/day
Velocity or Suspended & Bed Load Sampling Equipment .....	\$ 100/day
Multi-Channel Seismograph System .....	\$ 250/day
Vehicle Mileage .....	\$ .50/mi
Photocopying (B&W-Color) .....	\$ .15-.40/copy
Engineering (Large Format) Copier .....	\$ .40/ft <sup>2</sup>
Computer Assisted Color Plotting .....	\$ 10/sq. ft.

**Limitations and Terms for Professional Services**

**AGREEMENT** - This Schedule of Charges, Limitations and Terms for Professional Services as an attachment to a signed Proposal or Client Contract constitutes an "Agreement" between COTTON, SHIRES AND ASSOCIATES, INC. (CSA) and the Client. Client has authorized commencement of the work under this Agreement by signing the "Approved by" section of the Proposal or Contract. The Agreement is hereby incorporated and made part of the Contract between the parties. In consideration of the mutual Agreement set forth herein and intending to be legally bound, the parties hereto agree as to the following:

**Invoicing and Payment** - Client shall pay CSA compensation as outlined in the Proposal or at the rates determined in the above Schedule of Charges and according to the payment terms below. Invoices may be prepared and submitted by CSA on a monthly basis or when the work is completed, at CSA's option. Payment is due upon receipt and is past due thirty (30) days from date of invoice. A service charge of 1.5% per month, or the maximum amount allowed by law, will be charged on past due accounts. Payments by Client will thereafter be applied first to accrued interest and then to the principal unpaid balance. Any attorney fees, court costs, or other costs incurred in collection of delinquent accounts shall be paid by the Client. If payment of invoices is not current, CSA may suspend performing further work at no liability to CSA.

**Relationship between CSA and Client** - CSA is retained by the Client to investigate and to consult with the Client regarding the Project, as defined in the Proposal. Client shall provide CSA in writing with all information relevant to the Project and shall advise CSA of any condition known to Client that may affect CSA's performance under this Agreement. CSA's services are for the benefit of the Client, but Client recognizes that the extent of those services is limited by the time-frame chosen and the funds expended by the Client for the investigation. CSA has no responsibility for the work product of any independent consultants required for the Client's Project, nor for completeness, adequacy, or quality of said independent consultants' work, or specialty work.

**Information Provided by Client** - CSA and the Client shall discuss and agree upon the information needed for rendering of services hereunder. The Client agrees to provide to CSA all such information as agreed to be necessary. With respect to such information, the Client understands and agrees that CSA will rely solely upon the Client to ensure the accuracy and completeness thereof, as the Client recognizes that it is impossible for CSA to assure the accuracy, completeness and sufficiency of such information.

**Ownership of Documents and Proprietary Information** - This proposal and all documents, including, but not limited to, drawings, specifications, computer disks, reports, calculations, and estimates, prepared by CSA in connection with this Agreement ("CSA Confidential Information") are instruments of service and are intended for the sole use of the recipient hereof, and may not, except as otherwise described herein, be disclosed, distributed, or disseminated in any form without the prior written consent of CSA. The CSA Confidential Information is and shall remain the sole property of CSA. Client may distribute documents generated by CSA in connection with CSA's services under this Agreement to third parties, provided that said third party agrees in writing to be bound by the confidentiality and ownership of documents provisions of this Agreement. The terms of this Section shall survive the termination of this Agreement.

**Expert Witness Consultation Charges**

Expert witness testimony for court appearances and binding arbitrations shall be charged on a daily basis (minimum one day increments) at a rate of \$3,600 per day. Deposition testimony shall be charged at a rate of \$450 per hour (minimum one hour charge). Preparation time for depositions or court appearances shall be charged on a time-and-expense basis in accordance with the Personnel, Equipment, and Expense charges listed herein.

**Laboratory Testing and Geophysical Service Charges**

Laboratory testing and geophysical services shall be charged on a time-and-materials basis in accordance with the Personnel, Equipment, and Expense charges listed herein.

Laboratory samples shall be stored for 60 days after the date of final report submittal unless special arrangements are made for longer storage.

**Expense Charges (Receipted Costs Plus 15%)**

- Travel expenses including air fare, lodging, vehicle rental, etc (either actual receipted costs plus 15% for meals or a flat subsistence charge of \$50 per diem for overnight stay shall be charged in addition to the lodging cost)
- Excavation subcontractors and expendable field supplies
- Reproduction of drawings
- Film, film development, and photograph printing
- Special fees, permits, insurance, etc
- Conference call telephone costs
- Special mail service (air, electronic, courier, etc.)
- Special equipment rental
- Special consultant fees

10.26

CSA SCHEDULE OF CHARGES, LIMITATIONS AND TERMS FOR PROFESSIONAL SERVICES (Page 2 of 2)

Public Liability -- COTTON, SHIRES AND ASSOCIATES, INC. is a California Corporation protected by Worker's Compensation Insurance (and/or Employer's Liability Insurance), and by Public Liability Insurance for bodily injury and property damage, and will furnish certificates thereof upon request. We assume the risk of damage to our own supplies and equipment. If your contract or purchase order places greater responsibilities upon us or requires further insurance coverage, we, if specifically directed by you, will procure additional insurance (if procurable) to protect us at your expense, but we shall not be responsible for property damage from any cause, including fire and explosion, beyond the amounts of coverage of our insurance.

Standard of Care and Professional Liability -- In performing professional services, CSA shall use that degree of care and skill ordinarily exercised under similar circumstances by members of our profession at the time the services are performed. No other representation or warranty, express or implied, is made or intended in this Agreement, by our proposal for consulting services, by our furnishing oral opinion or written reports, or by our inspection or work. However, should we or any of our professional employees be found to have been negligent in the performance of professional services or to have made and breached any express or implied warranty, you agree that the maximum aggregate amount of your recovery against us and/or said professional employees shall be limited to \$50,000 or the amount of the fee paid us for professional services as computed under the SCHEDULE OF CHARGES, whichever amount is greater. Moreover, client agrees to indemnify us against damages in excess of \$50,000 or the amount of our fee, whichever amount is greater, arising from suits brought against us by third parties, in connection with our work performed on your project.

Notices -- All notices in writing to be given hereunder by either party to the other party shall be served by letter or sent by facsimile.

Assignment -- Neither this agreement nor the benefits or obligations under this Agreement shall be sold, assigned or transferred by either party to any third parties including subsidiary or affiliated companies without the prior written approval of the other party, with such approval not to be unreasonably withheld by either. In the event the approval is given by either for assignment or transfer, such an approval shall not relieve either from any liability and/or responsibility under the Agreement.

Termination Cancellation -- Client and CSA will have the right to terminate this Agreement for their convenience by giving ten (10) days prior written notice. After termination, CSA will be reimbursed for services rendered and necessary expenses incurred to the termination date upon submission to Client of detailed supporting invoices. The obligations of paragraphs 3, 4, and 6 remain in effect after termination.

Change in Scope of Work -- If, during the performance of the work under this Agreement, it is determined that the scope of work has expanded or changed such that additional expenditures are required, the client shall be notified and approval from the client shall be received prior to the performance of the additional services.

Dispute Resolution -- CSA and Client recognize that disputes arising under this Agreement are best resolved at the working level by the parties directly involved. Both parties are encouraged to be imaginative in designing mechanism and procedures to resolve disputes at this level. Such efforts shall include the referral of any remaining issues in dispute to higher authority within each participating party's organization for resolution. Failing resolution of conflicts at the organizational level, CSA and Client agree that any remaining conflicts arising out of or relating to this Agreement shall be submitted to non-binding mediation unless CSA and Client mutually agree otherwise. If the dispute is not resolved through non-binding mediation, then the parties may take other appropriate action subject to the other terms of this Agreement. Neither party shall hold the other responsible for damages or delay in performance caused by acts of God, strikes, lockouts, accidents or other events beyond the reasonable control of the other party, its employees or agents. Should litigation or arbitration occur between the parties relating to the provisions of this Agreement, all litigation or arbitration expenses, collection expenses, witness fees, court costs and attorneys' fees reasonably incurred by the prevailing party shall be paid by the non-prevailing party.

Governing Law -- The validity, performance, and construction of this Agreement, and the relationship between Client and CSA shall be governed and interpreted in accordance with the substantive laws of California, United States of America, without regard to its choice of law rules. This Agreement shall be construed as to its fair and not strictly for or against either party.

Jobsite Safety -- Neither the professional activities of CSA, nor the presence of CSA employees and CSA subconsultants at a construction site, shall relieve the contractor and any other entity of their obligations, duties and responsibilities including, but not limited to, construction means, methods, sequence, techniques or procedures necessary for performing, superintending or coordinating all portions of the Work of construction in accordance with the contract documents and any health of safety precautions required by any regulatory agencies. CSA and its personnel have no authority to exercise any control over any construction contractor or other entity or their employees in connection with their work or any health or safety precautions. The Client agrees that the general contractor and its various subcontractors are solely responsible for jobsite safety, and warrants that this intent shall be made evident where appropriate in the Client's agreements with other contractors. If the Client is a Contractor or Subcontractor on the Project, the Client also agrees that the Client, CSA, and CSA's consultants shall be indemnified and shall be made additional insureds under the client's general liability insurance policy; in other cases, the Client agrees to arrange for this indemnification and additional insureds under the General Contractor's general liability insurance policy.

Field Exploration -- Unless otherwise agreed, the client shall furnish right-of-entry on land for planned field operations. The client shall also provide CSA with locations and depths of buried utilities and structures. CSA shall take responsible precautions to minimize damage to land from use of equipment, but our fee does not include cost of restoration of damage resulting from our exploration operations. CSA shall not be liable for damage or injury arising from damage to subterranean structures (pipes, tanks, telephone cables, etc.) which are not called to our attention and correctly shown on plans furnished to us.

Miscellaneous -- In the event of any litigation or proceeding involving CSA and Client, the prevailing party shall be entitled to recover its reasonable legal fees, expert fees, and normal employee rates and associated costs from the non-prevailing party. Failure by Client to object to any of the terms and conditions contained in this Agreement before the commencement of services by CSA will be deemed an acceptance of such terms and conditions. Notwithstanding anything to the contrary in this Agreement, CSA and Client agree that neither party shall be liable for any special, indirect, consequential, lost profits, or punitive damages. If any term, condition, or provision of this Agreement is found unenforceable by a court of law or equity, this Agreement shall be construed as though that term, condition, or provision did not exist, and its unenforceability shall have no effect whatsoever on the rest of this Agreement.

10.07

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**DATE:** May 11, 2007

**TO:** Board of Directors

**FROM:** Margaret Gallagher, District Counsel

**SUBJECT: CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE AN ASSIGNMENT OF THE LEASE AGREEMENT WITH KIN WAI CHEUNG AND YUK LING YEUNG, D/B/A CHINA EXPRESS FAST FOOD RESTAURANT TO HUI CHANG DU AND BAOPING CHEN, DBA NEW CHINA EXPRESS FOR THE RESTAURANT SPACE AT PACIFIC STATION EFFECTIVE MAY 11, 2007, AND A LEASE AMENDMENT WITH THE NEW OWNERS TO FACILITATE THE TRANSFER**

## ACTION REQUESTED AT THE MAY 11, 2007 BOARD MEETING

### I. RECOMMENDED ACTION

Authorize the General Manager to execute the Assignment of Lease with Kin Wai Cheung and Yuk Ling Yeung, d/b/a China Express Fast Food Restaurant to Hui Chang Du and Baoping Chen, dba New China Express for the restaurant space at Pacific Station effective May 11, 2007, and the lease amendment to facilitate the transfer.

### II. SUMMARY OF ISSUES

- On August 1, 2000, Filiberto Porras dba La Mission Restaurant, Consolidated, leased the Restaurant space located at the Santa Cruz Metro Center from the District. The lease was for a five (5) year term with an option to extend the term for an additional five (5) year term.
- District consented to an assignment of the Lease Agreement for the Restaurant space at the Santa Cruz Metro Center effective on May 1, 2001 from Filiberto Porras dba La Mission Restaurant, Consolidated to Kin Wai Cheung and Yuk Ling Yeung, dba China Express Fast Food Restaurant. This Board of Directors approved the assignment and the First Amendment at its April 20, 2001 Board meeting.
- A Second Amendment was executed to amend the percentage for the trash cost to Tenant reflecting a recalculation of trash costs, based on square footage of leased space.
- A Third Amendment to Lease Agreement was executed on May 1, 2005 to extend the term by an additional five-year period, as provided for in Article 2, Paragraph 2.2 of the Lease to July 31, 2010.
- Article 20.1.18 of the Lease requires that any amendment to the Agreement be in writing and signed by the duly authorized representatives of both parties.

- Mr. Cheung has a serious medical condition and has notified METRO that he is unable to continue running the business at Pacific Station.

### III. DISCUSSION

Filiberto Porras, d/b/a La Mission Restaurant leased a restaurant space at the Santa Cruz Metro Center on August 1, 2000. He prepared and sold Mexican food from the restaurant. The lease had a five (5) year term, with an option to extend the term for an additional five (5) years.

Filiberto Porras assigned his lease to Kin Wai Cheung and Yuk Ling on May 1, 2001, dba China Express Fast Food Restaurant which they have been operating successfully at Pacific Station. Mr. Cheung and Ms. Yeung extended the Lease available to them by the Lease's option, until July 31, 2010.

Mr. Cheung has been diagnosed with a serious medical condition and is not able to continue running the business. They have acquired prospective buyers of the business and would like to assign the remainder of the Lease term, to the new owners, Hui Chang Du and Baoping Chen, dba New China Express.

METRO staff members have met with the current owners and the prospective new owners of New China Express and reviewed their financial information. Attached for the Board's review as Attachment A and B respectively are the following: A- Assignment of Lease; and 2- Lease Amendment.

It is recommended that the Board allow and accept the Assignment of Lease as set forth above.

### IV. FINANCIAL CONSIDERATIONS

Rent for the restaurant space is currently \$2,474.46 per month with annual CPI adjustments.

### V. ATTACHMENTS

**Attachment A:** Assignment of Lease  
**Attachment B:** Lease Amendment

ASSIGNMENT OF THE  
SANTA CRUZ METROPOLITAN TRANSIT DISTRICT –  
SANTA CRUZ METRO CENTER LEASE  
DATED MAY 1, 2000

THIS IS AN ASSIGNMENT of lease by and among Santa Cruz Metropolitan Transit District ("**Landlord**"), Kin Wai Cheung and Yuk Ling Yeung dba China Express Fast Food Restaurant, ("**Tenants**"), and Hui Chang Du and Baoping Chen, dba New China Express, ("**Assignees**").

For good consideration, it is agreed by and among the parties that:

1. The Tenants hereby assign, transfer and deliver to the Assignees all of the Tenants' rights in and to a certain lease between the Tenants and the Landlord for certain premises which consist generally of approximately 1996 Square feet of restaurant space and patio space in the Pacific Station transit facility, located at 920 Pacific Avenue, Santa Cruz, California under a lease dated August 1, 2000, as amended (the "**Lease**"). A copy of the Lease and applicable amendments are attached hereto as Exhibit A and made a part hereof by reference.
2. The Assignees agree to accept the said Lease, to pay all rents and punctually perform all of the Tenants' obligations under the said Lease accruing on and after the date of delivery of possession to the Assignees as contained herein. The Assignees further agree to indemnify and save harmless the Tenants from any breach of the Assignees' obligations hereunder.
3. Tenants, Kin Wai Cheung and Yuk Ling Yeung have either sold their personal property located at the premises to Assignees or have taken their personal property from the premises including each item set forth in Exhibit D entitled "Tenants Personal Property" but have no personal property located on or about the Premises.
4. The parties acknowledge that the Tenants shall deliver possession of the leased premises to the Assignees on or after June 1, 2007, and that time is of the essence. All rents and other charges accrued under the Lease prior to said date shall be fully paid by the Tenants, and thereafter by the Assignees.
5. Furthermore, Assignees shall reimburse Tenants for the amount of the Security Deposit upon signing this Agreement. If Assignees do not fulfill any of its obligations under the Lease, Landlord may apply the Security Deposit on account of such obligation or to reimburse Landlord for any sum that Landlord may expend due to Tenants' or Assignees' default. If Landlord applies any part of the Security Deposit, Assignees (and Tenants upon failure of Assignees), immediately after notice from

Landlord, shall deposit with Landlord the amount so applied so that Landlord shall have the full Security Deposit available at all times during the term of the lease.

6. The Landlord hereby consents to the assignment of lease, provided that:
- a) Consent to the assignment shall not discharge the Tenants of its obligations under the Lease in the event of the breach of same by the Assignees.
  - b) In the event of breach by the Assignees, the Landlord shall provide the Tenants with written notice of same and the Tenants shall have full rights to commence all actions to recover possession of the leased premises (in the name of Landlord, if necessary) and retain all rights for the duration of the said Lease provided it shall pay all accrued rents and cure any other default.
  - c) There shall be no further assignment of lease without the prior written consent of Landlord.

6. This agreement shall be binding upon and inure to the benefit of the parties, their successors, assigns and personal representatives.

Signed this \_\_\_\_\_th day of May 2007.

**SANTA CRUZ METROPOLITAN  
TRANSIT DISTRICT (LANDLORD)**

**DBA CHINA EXPRESS FAST  
FOOD RESTAURANT  
(TENANTS)**

\_\_\_\_\_  
Leslie R. White  
General Manager

\_\_\_\_\_  
Kin Wai Cheung, Owner

**DBA NEW CHINA EXPRESS  
(ASSIGNEES)**

\_\_\_\_\_  
Yuk Ling Yeung, Owner

\_\_\_\_\_  
Hui Chang Du

\_\_\_\_\_  
Baoping Chen

**SANTA CRUZ METROPOLITAN TRANSIT DISTRICT  
FOURTH AMENDMENT TO LEASE AGREEMENT**

THIS FOURTH AMENDMENT TO LEASE AGREEMENT is made effective May \_\_\_\_, 2007, between the SANTA CRUZ METROPOLITAN TRANSIT DISTRICT, a political subdivision of the State of California, ("District"), Hui Chang Du and Baoping Chen, dba New China Express, ("TENANTS") who agree as follows:

**I. RECITALS**

- 1.1 On August 1, 2000, Filiberto Porras dba La Mission Restaurant, Consolidated, leased the Restaurant space located at the Santa Cruz Metro Center from the District. The lease was for a five (5) year term with an option to extend the term for an additional five (5) year term.
- 1.2 District consented to an assignment of the Lease Agreement for the Restaurant space at the Santa Cruz Metro Center effective on May 1, 2001 from Filiberto Porras dba La Mission Restaurant, Consolidated to Kin Wai Cheung and Yuk Ling Yeung, dba China Express Fast Food Restaurant. The District's Board of Directors approved the assignment and the First Amendment at its April 20, 2001 Board meeting.
- 1.3 A Second Amendment was executed to amend the percentage for the trash cost to Tenant reflecting a recalculation of trash costs, based on square footage of leased space.
- 1.4 A Third Amendment to Lease Agreement was executed on May 1, 2005 to extend the term by an additional five-year period, as provided for Article 2, Paragraph 2.2 of **the Lease to July 31, 2010.**
- 1.5 The purpose of this Amendment is to change the name of the business from China Express Fast Food Restaurant to New China Express, to create a new menu, attached and to amend certain sections of the Lease regarding personal property and notice.
- 1.6 Article 20.1.18 of the Lease requires that any amendment to the Agreement be in writing and signed by the duly authorized representatives of both parties.

Therefore, District, Tenants and Former Tenants agree as follows:

**II. NAME OF BUSINESS**

- 2.1 The name of the business owned by Tenants shall be called New China Express, effective as of the date this document is executed.
- 2.2 Tenants will only sell items on the menu, which is attached hereto as Exhibit B, unless District authorizes the sale of any such item.

III. PERSONAL PROPERTY

- 3.1 Kin Wai Cheung and Yuk Ling Yeung have either sold their personal property located at the premises to Tenants or have taken their personal property from the premises including each item set forth in Exhibit D entitled "Tenants Personal Property" but that Kin Wai Cheung and Yuk Ling Yeung have no personal property located on or about the Premises.
- 3.2 Tenants agree that the items listed on Exhibit D, which is attached hereto and incorporated herein by reference, represent their personal property on the Premises.

IV. NOTICE

- 4.1 Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other party or any other person shall be in writing and either served personally by depositing the same in the United States Postal Service, registered or certified mail, return receipt requested with the postage prepaid, addressed to the other party at the address set forth below. Either party may change its address by notifying the other party of the change of address by compliance with this section. Notice shall be deemed communicated within forty-eight (48) hours from the time of mailing if mailed as provided in this Article 17.

DISTRICT:

Santa Cruz Metropolitan Transit District  
370 Encinal Street, Suite 100  
Santa Cruz, CA 95060  
ATTN: Secretary/General Manager

TENANTS:

Hui Chang Du and Baoping Chen  
New China Express

V. REMAINING TERMS AND CONDITIONS.

- 5.1 All other provisions of the Agreement that are not affected by this amendment shall remain unchanged and in full force and effect.

VI. AUTHORITY

6.1 Each party has full power and authority to enter into and perform this Amendment to the Agreement and the person signing this Amendment on behalf of each has been properly authorized and empowered to enter into it. Each party further acknowledges that it has read this Amendment, understands it, and agrees to be bound by it.

IN WITNESS THEREOF, this Fourth Amendment to the Lease Agreement is executed by the District and Tenants have affixed their signatures the day and year first hereinabove written.

TENANTS: NEW CHINA EXPRESS

BY: \_\_\_\_\_  
Hui Chang Du, Owner

DATE: \_\_\_\_\_

BY: \_\_\_\_\_  
Baoping Chen, Owner

DATE: \_\_\_\_\_

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT:

BY: \_\_\_\_\_  
Leslie White  
General Manager

DATE: \_\_\_\_\_

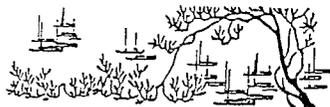
Approved as to form:

BY: \_\_\_\_\_  
Margaret Gallagher  
District Counsel

面/飯 RICE, NOODLE, AND CHOW MEIN

130 蔥油拌麵	DRY NOODLE WITH FRIED GREEN ONION	3.95
131 上海炒麵	SHANGHAI CHOW MEIN	4.95
132 牛肉炒飯/麵	BEEF FRIED RICE OR CHOW MEIN	4.95
133 雞炒飯/麵	CHICKEN FRIED RICE OR CHOW MEIN	4.95
134 蝦仁炒飯/麵	SHRIMP FRIED RICE OR CHOW MEIN	5.95
135 揚州炒飯/麵	YANG CHOW FRIED RICE OR CHOW MEIN	5.95
136 招牌兩面黃	HOUSE SPECIAL PAN FRIED NOODLE	5.95
137 蝦仁兩面黃	SHRIMP PAN FRIED NOODLE	5.95
138 海鮮兩面黃	SEAFOOD PAN FRIED NOODLE	5.95
139 牛肉兩面黃	BEEF PAN FRIED NOODLE	5.95
140 雞肉兩面黃	CHICKEN PAN FRIED NOODLE	5.95
* 141 炸醬麵	ZA JIAN NOODLE	4.95
142 雞粥	CHICKEN AND BOK CHOY NOODLE SOUP	4.95
* 143 紅燒牛肉麵	BEEF STEW NOODLE SOUP	4.95
144 雪菜肉絲麵	COOKED NOODLE WITH SALTED VEGETABLE AND PORK	4.95
* 145 八寶辣醬麵	ASSORTED HOT SAUCE NOODLE SOUP	5.95
146 海鮮湯麵	MIXED SEAFOOD NOODLE SOUP	5.95
147 蝦仁冬菇麵	SHRIMP AND BLACK MUSHROOM NOODLE SOUP	5.95
148 鱈魚麵	FRIED FILLET NOODLE IN SOUP	5.95
149 鱈魚麵	SMOKED FISH NOODLE IN SOUP	5.95
150 大排湯麵	FRIED PORK CHOP WITH NOODLE SOUP	5.95
151 雪菜湯年糕	PRESERVED CABBAGE RICE CAKE SOUP	4.95
152 雪菜肉絲炒年糕	PRESERVED VEGETABLE AND PORK RICE CAKE	4.95
153 上海炒年糕	SHANGHAI RICE CAKE	4.95
154 雪菜炒年糕	JIZAI FRIED RICE CAKE	5.95
155 上海菜泡飯	SHANGHAI VEGETABLE RICE SOUP	4.95
156 上海菜飯	SHANGHAI VEGETABLE RICE	4.95
157 上海排骨飯	SHANGHAI FRIED RICE WITH PORK CHOP	5.95
158 上海烤翅飯	SHANGHAI FRIED RICE WITH BEAN CURD	5.95

\* Hot & Spicy



SPECIAL LUNCH MENU

(Mon. - Fri. 11:30 am - 3:00 pm.)

Served with free soup of the day & steam rice. Except holidays.

特價午餐

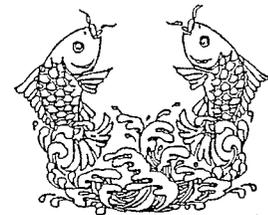
* 1 宮保雞丁	KUNG PAO CHICKEN	4.95
2 腰果雞丁	CHICKEN WITH CASHEW	4.95
3 芥蘭雞片	CHICKEN WITH BROCCOLI	4.95
4 紅燒豆腐	TOFU IN BROWN SAUCE	4.95
* 5 麻婆豆腐	HOT & SPICY TOFU	4.95
* 6 魚香茄子	HOT & SPICY EGGPLANT	4.95
* 7 乾扁四季豆	DRY SAUTEED STRING BEANS	4.95
8 芥蘭牛肉	BEEF WITH BROCCOLI	4.95
9 炒菠菜	SAUTEED SPINACH	4.95
* 10 回鍋肉	PORK RE-COOKED IN CHILI SAUCE	4.95
* 11 宮保牛肉	KUNG PAO BEEF	4.95
12 蔥爆牛肉	BEEF WITH GREEN ONION	4.95
13 青椒牛肉	BEEF WITH GREEN PEPPER	4.95
* 14 左宗雞	DICED CHICKEN WITH GARLIC AND CHILI PEPPER	4.95
15 京都排骨	PEKING SPARERIBS	4.95
16 香菇菜心	GREEN CABBAGE WITH BLACK MUSHROOMS	4.95
17 上海小排骨	PORK CHOPS WITH SWEET & SOUR SAUCE	4.95
* 18 菜肉豆腐	HOUSE SPECIAL BEAN CURD IN CASSEROLE	4.95
19 香乾炒肉絲	SHREDDED PORK WITH DRY BEAN CURD	4.95
20 雪菜百葉毛豆	PRESERVED VEGETABLE AND BEAN CURD SHEET W/ BEANS	4.95
21 芥蘭蝦仁	SHRIMP WITH BROCCOLI	5.95
22 蝦仁豆腐	SAUTEED SHRIMP WITH BEAN CURD	5.95
23 蝦仁炒蛋	SHRIMP WITH EGGS	5.95
* 24 魚香蝦仁	SHRIMP IN SZECHUAN SAUCE	5.95
* 25 宮保三樣	KUNG PAO TRIPLE	5.95
26 梅菜扣肉	PORK WITH PRESERVED VEGETABLES	5.95
* 27 魚香魚片	FISH FILLET IN SZECHUAN SAUCE	5.95
28 糖醋魚片	FILLET FISH IN SWEET AND SOUR SAUCE	5.95
* 29 豆瓣魚片	FISH FILLET IN HOT BEAN SAUCE	5.95
30 紅燒獅子頭	PORK BALL WITH BROWN SAUCE	5.95

\* Hot & Spicy



新榮華中國快餐

New CHINA EXPRESS



新榮華中國快餐  
NewChina Express

Food To Go & CATERING

Business Hours:

Monday - Friday: 10:00 am - 9:00 pm

Saturday: 11:00 am - 9:00 pm

Sunday: 1:00 pm - 9:00 pm

920 Pacific Avenue, #12  
Santa Cruz, CA 95060

TEL: (831) 425-2688



METRO CENTER

11.64

**冷盤**                      **APPETIZERS**

1 辣白菜	CHINESE CABBAGE IN SWEET & SOUR CHILI SAUCE	1.95
2 醉雞	WINE CHICKEN	2.95
3 上海熏魚	SHANGHAI SMOKED FISH	3.95
4 水晶肴肉	CHING-CHANG CURED PORK	3.95
5 四喜蹄	FOUR HAPPINESS BEAN CURD	3.95
6 上海醬鴨	DUCK WITH SPECIAL SALT SAUCE	3.95
7 鹽水鴨	SALTED DUCK GIZZARD	3.95
8 油爆蝦	FRIED SEA SHRIMPS	4.95
9 香菜干絲	2.95 皮蛋拌豆腐 2.95 腐卜海蜇絲 3.95 香干馬蹄頭 3.95	

**湯羹類**                      **SOUP**

10 雞菜玉米羹	CHICKEN & SWEET CORN SOUP	3.95
11 西湖牛肉羹	WEST LAKE STYLE BEEF SOUP	3.95
12 油豆腐絲湯	FRIED BEAN CURD WITH VERMICELLI SOUP	3.95
13 榨菜肉絲蛋湯	PRESERVED VEGETABLE WITH PORK & EGG SOUP	3.95
14 酸辣湯	HOT & SOUR SOUP	3.95
15 麵筋百葉湯	FRIED DOUGH & BEAN CURD TRIPE SOUP	4.95
16 海鮮豆腐羹	ASSORTED SEAFOOD WITH BEAN CURD SOUP	4.95
17 翡翠豆腐羹	PORK SLICE & BEAN CURD SOUP	4.95
18 火腿冬瓜湯	HAM WITH WINTER MELON SOUP	4.95
19 海參黃魚羹	SEA CUCUMBER WITH YELLOW FISH SOUP	5.95
20 酸菜黃魚湯	YELLOW FISH SOUP WITH PICKLED CABBAGE	6.95

**雞鴨類**                      **CHICKEN**

21 醬爆雞丁	CHICKEN IN BROWN SAUCE	5.95
22 宮保雞丁	KUNG PAO CHICKEN	5.95
23 腰果雞丁	CHICKEN WITH CASHEW NUT	5.95
24 雪豆雞丁	CHICKEN WITH SNOW PEAS	5.95
25 咖喱雞丁	CHICKEN WITH CURRY SAUCE	5.95
26 芥蘭雞片	CHICKEN WITH FRESH BROCCOLI	6.95
27 魚香雞片	CHICKEN IN HOT GARLIC SAUCE	6.95
28 酸甜雞	SWEET & SOUR CHICKEN	6.95
29 椒鹽雞	CHICKEN WITH PEPPER & SALT	6.95
30 三杯雞	THREE CUP CHICKEN	6.95
31 左宗雞	GENERAL CHICKEN	6.95

**牛肉類**                      **BEEF**

32 宮保牛肉	KUNG PAO BEEF	6.95
33 青豆牛肉	BEEF WITH GREEN PEPPER	6.95
34 芥蘭牛肉	BEEF WITH BROCCOLI	6.95
35 雪豆牛肉	BEEF WITH SNOW PEAS	6.95
36 豉汁牛肉	SATAY BEEF	6.95
37 油爆牛肉	BEEF WITH OYSTER SAUCE	6.95
38 蔥爆牛肉	BEEF WITH GREEN ONIONS	6.95
39 腰果牛肉	BEEF WITH CASHEW NUTS	6.95
40 宮保三樣	KUNG PAO BEEF AND CHICKEN AND SHRIMP	7.95
41 北京片皮鴨		8.95

**豬肉類**                      **PORK**

43 雪菜百葉肉絲	SAUTEED VEGETABLE & BEAN CURD W/ SHREDDED PORK	6.95
44 蔥烤排骨	SPARERIBS WITH GREEN ONION	6.95
45 京都排骨	PEKING SPARERIBS	6.95
46 魚香肉絲	SHREDDED PORK WITH GARLIC SAUCE	6.95
47 香乾肉絲	SHREDDED PORK WITH DRY BEAN CURD	6.95
48 筍尖肉絲	SHREDDED PORK WITH BAMBOO SHOOT	6.95
49 回鍋肉	PORK RE-COOKED IN CHILI SAUCE	6.95
50 椒鹽排骨	PORK CHOP WITH HOT PEPPER & SALT	6.95
51 紅燒獅子頭	PORK BALL WITH BROWN SAUCE	7.95
52 油麵筋塞肉	WHEAT GLUTEN BALL W/ GROUND PORK IN BROWN SAUCE	7.95
53 豆腐皮包肉	PORK WRAPPED WITH BEAN CURD SKIN	7.95
54 百葉烤肉	BRAISED PORK W/ BEAN CURD SHEET IN BROWN SAUCE	7.95
55 梅菜扣肉	STEAM PORK WITH PRESERVED CABBAGE	7.95
56 八寶辣醬	EIGHT DELICACY INGREDIENTS	7.95
57 糖醋排骨	PORK CHOP WITH SWEET AND SOUR SAUCE	7.95
58 魚翅排骨	PORK CHOP WITH SWEET BROWN SAUCE	7.95
59 海參蹄筋	SEA CUCUMBER WITH PORK TENDER	10.95

**砂鍋類**                      **CLAY POTS**

60 砂鍋鴨蹄	SALTED PORK & BAMBOO SHOOT CASSEROLE (S) 9.95 (L) 15.95
61 砂鍋什錦	COMBINATION CASSEROLE (S) 8.95 (L) 12.95
62 砂鍋魚頭	BRAISED FISH HEAD CASSEROLE (S) 9.95 (L) 15.95
63 砂鍋龍蝦	SHRIMP WONTON IN HOT POT 5.95

**魚類**                      **FISH**

64 青魚划水	BRAISED FISH TAIL	12.95
65 蔥烤鯽魚	ROASTED FISH WITH GREEN ONION	12.95
66 青魚肚	ROASTED FISH IN SHANGHAI STYLE	11.95
67 韭黃鱈魚	EEL WITH LEEK	10.95
68 豆瓣魚	FISH FILET IN HOT BEAN SAUCE	10.95
69 清炒鱈魚	SAUTEED EEL	9.95
70 糟溜魚片	FISH FILET IN WINE SAUCE	8.50
71 豆瓣魚片	FISH FILLET IN HOT BEAN SAUCE	8.50
72 魚香魚片	FISH FILLET IN HOT GARLIC SAUCE	8.50
73 生炒魚片	SAUTEED FISH FILLET	8.50
74 雪菜魚片	DICED FISH FILLET WITH PRESERVED VEGETABLES	8.50
75 糖醋魚片	FILLET FISH IN SWEET AND SOUR SAUCE	8.50
76 宮保魚片	KUNG PAO FISH FILLET	8.50
77 糖醋小黃魚	SMALL YELLOW FISH IN SWEET & SOUR SAUCE	7.95

**海鮮類**                      **SEAFOOD**

78 蝦子海參	SEA CUCUMBER WITH SHRIMPS SEEDS	12.95
79 紅燒海參	SEA CUCUMBER IN BROWN SAUCE	10.95
80 水晶蝦	SAUTEED SHRIMPS	10.95
81 椒鹽蝦	SHRIMPS WITH HOT PEPPER AND SALT	8.95
82 香豆蝦	SHRIMPS WITH SNOW PEAS	8.95
83 芥蘭蝦	SHRIMPS WITH BROCCOLI	8.95
84 魚香蝦	SHRIMPS WITH GARLIC SAUCE	8.95
85 椒鹽蝦	SHRIMPS WITH CASHEW NUTS	8.95

87 椒炒蛋	SHRIMPS WITH EGG	8.95
88 宮保蝦	KUNG PAO SHRIMP	8.95

**素菜類**                      **VEGETABLES**

89 雪菜粉皮	VERMICELLI PIECES WITH SALTED VEGETABLE	5.95
90 醬爆茄子	EGGPLANT WITH BROWN SAUCE	5.95
91 香菇菜心	BABY BOK CHOY WITH BLACK MUSHROOM	5.95
92 磨菇肉末豆腐	BEAN CURD WITH MUSHROOM & MEAT	5.95
93 紅燒豆腐	BEAN CURD IN BROWN SAUCE	5.95
94 麻婆豆腐	SZECHUAN BEAN CURD WITH MEAT	5.95
95 辣椒土豆絲	CHILI FRIED POTATO SLICE	6.95
96 雪菜百葉毛豆	SALTED VEGETABLES, GREEN BEAN W/ DRIED BEAN LEAF	6.95
97 油燜小竹筍	BRAISED BAMBOO SHOOTS	6.95
98 開洋白菜	DRIED SHRIMP WITH NAPA CABBAGE	6.95
99 素什錦	MIXED VEGETABLES	6.95
100 乾扁四季豆	SAUTEED STRING BEANS WITH MEAT	時價
101 開洋絲瓜	CHINESE SQUASH WITH DRIED SHRIMP	時價
102 毛豆絲瓜	CHINESE SQUASH WITH BEAN	時價
103 麵筋絲瓜	WHEAT GLUTEN WITH CHINESE SQUASH	時價
104 大、小豆苗、通心菜		時價
105 麵筋菜心	GREEN CABBAGE WITH WHEAT GLUTEN	7.95
106 紅燒素雞	BRAISED SPECIAL BEAN CURD	7.95

**煲仔類**                      **HOT POT**

107 肉末粉絲煲	GROUND PORK & VERMICELLI W/ HOT SAUCE IN POT	5.95
108 魚香茄子煲	EGGPLANT WITH HOT GARLIC SAUCE IN POT	5.95
109 聚半圈豆腐煲	HOUSE SPECIAL BEAN CURD POT	5.95
110 紅燒牛腩煲	BRAISED BEEF STEW POT	6.95
111 蒜白牛腩煲	BEEF STEW POT WITH WHITE RADISH	6.95
112 咖喱粉絲牛腩煲	CURRY BEEF STEW POT WITH VERMICELLI	6.95
113 大腸煲	INTESTINES IN HOT POT	6.95
114 蝦仁豆腐煲	SHRIMPS WITH BEAN CURD POT	6.95
115 海鮮豆腐煲	SEAFOOD BEAN CURD POT	6.95
116 香菇麵筋煲	BLACK MUSHROOM WITH WHEAT GLUTEN POT	7.95
117 栗子雞肉煲	CHICKEN AND CHESTNUT POT	7.95
118 豉汁豆腐煲	FACHAI BEAN CURD POT	7.95

**上海點心**                      **SHANGHAI DIM SUM**

119 蔥油餅	ONION PAN CAKE	1.95
120 銀絲卷	CHINESE SLICED ROLL	1.95
121 上海小籠包	SHANGHAI STEAM DUMPLING (8)	3.95
122 酒釀湯圓	WINE RICE BALL SOUP	3.95
123 薺菜餛飩	JIZAI WONTON SOUP (10)	4.95
124 八寶飯	EIGHT TREASURE RICE	4.95
125 素菜包	VEGETABLE BUN(6)	4.95
126 鍋貼	POT STICKER (8)	4.95
127 干菜包		4.95
128 定勝糕		4.95

1.95